

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 -against-

6 MICHAEL MCMAHON, ET AL.,

7 Defendant.
8 -----x

21-CR-265 (PKC)

United States Courthouse
Brooklyn, New York

June 5, 2023
9:00 a.m.

9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
10 BEFORE THE HONORABLE PAMELA K. CHEN
11 UNITED STATES DISTRICT JUDGE
12 BEFORE A JURY

11 APPEARANCES

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25 produced by computer-aided transcription

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9 * * * * *

10 (In open court; Jury not present.)

11 THE COURTROOM DEPUTY: All rise.

12 THE COURT: Good morning.

13 Let's go on the record. I understand and have seen,
14 and I assume the government has as well that, Mr. Zheng, the
15 defendant, is renewing his request or moving for
16 reconsideration of my denial of the motion to be allowed to
17 cross examine -- or the request to be allowed to cross examine
18 the victims in this case about the government's motion to stay
19 civil litigation that was pending against John Doe 1, Jane Doe
20 1, Jane Doe 3, and this civil litigation obviously was a
21 subject of my prior rulings and the prior motion of at least
22 Mr. McMahon as well.

23 I want to ask the government just a couple of
24 questions about that, because the theory that the defense is
25 pursuing is that the victims could have perceived the

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1 government's intervention in the civil case, namely, to ask
2 for the stay, was some kind of a benefit or favor to them such
3 that it could be argued that it colored or influenced or
4 skewed in some way the testimony to be given or anticipated to
5 be given by the victims, John Doe 1 and Jane Doe 1 and that it
6 might suggest bias.

7 So what conversations, if any, occurred regarding
8 the government's decision to move to stay the civil lawsuit
9 with those victims?

10 MR. HEEREN: Your Honor, no conversations direct
11 from the government to the victims. Counsel of record did
12 communicate with the victims' attorneys in the civil
13 litigation to find out how to formally file in their case,
14 since we were an intervenor and we shared the papers with
15 counsel, but we had no conversation with any of the victims
16 themselves.

17 THE COURT: About the government's intention to move
18 to stay or the stay after it had been secured? Those are
19 obviously very different.

20 MR. HEEREN: Correct. I guess I want to be careful
21 to say they obviously knew about the stay --

22 THE COURT: Right.

23 MR. HEEREN: -- but the government never had any
24 discussions with them about doing the stay. The government
25 determined it was in our best interest to make a stay motion

1 and apart from -- I'm just trying to think if during
2 preparation it even came up.

3 THE COURT: Well, potential cross-examination.

4 MR. HEEREN: Right, that's what I'm -- one second,
5 your Honor.

6 (Pause in proceedings.)

7 MR. HEEREN: It came up as potential
8 cross-examination but that's about it.

9 THE COURT: Okay. And was there even any
10 conversation -- and this is obviously implicit in your answer,
11 but I want to make sure I don't miss anything. Was there ever
12 any explanation to the victims by government counsel as to why
13 it would be in the government's interest to move for the stay
14 of the civil lawsuit, or that it was not uncommon to do this
15 when they are parallel or semi-parallel proceedings.

16 MR. HEEREN: I don't believe we had any conversation
17 with the victims themselves about it. I believe I explained,
18 in general terms, with their lawyers that we're doing this and
19 that we believed it was in our best interest. I just want to
20 be careful because I imagine their lawyers did say something
21 to them about it.

22 THE COURT: Right.

23 MR. HEEREN: One second, your Honor.

24 (Pause in proceedings.)

25 MR. HEEREN: I would also say it's entirely possible

1 that law enforcement, the FBI, in the course of their
2 conversations with them might have said something about the
3 fact of the stay. I'm not specifically aware of any
4 conversation about that, but I can't rule it out because they
5 have been in contact throughout the course of this
6 investigation.

7 THE COURT: Well, when you were prepping the
8 witnesses on this issue, the victims that is, did they say to
9 you that they've been informed by law enforcement about the
10 requested stay or the intention to request one?

11 MR. HEEREN: No, I don't believe so. They have
12 talked about the civil litigation more generally. They did
13 not make any statements that I can recall about a stay --
14 about the stay.

15 THE COURT: Okay. Well, if -- I mean what was I
16 guess their response when they were advised you could be
17 cross-examined about this stay that the government secured?

18 MR. HEEREN: I'm going to let Ms. Arfa handle that.

19 MS. ARFA: I think when asked if they perceived that
20 the stay was a benefit, at least for one of the victims, the
21 answer was no, I still have to defend this at some point and
22 am still paying money to the attorneys. That was the extent
23 of the discussion.

24 THE COURT: Obviously there was never any indication
25 by the government to the victims, either through their lawyers

1 or directly, that the government would at some point seek to
2 dismiss, if the government could do such a thing, that civil
3 lawsuit, and perhaps as has been suggested based on if there
4 are guilty verdicts against the defendants, based on the
5 verdicts in this case.

6 MS. ARFA: I'm not aware of any such discussion, no.

7 MR. HEEREN: Just to go on the record as well on it
8 since I did handle the stay, I did not make any representation
9 of that nature.

10 THE COURT: Of any further sort of request for
11 relief from the government with respect to the civil lawsuit?

12 MR. HEEREN: Correct.

13 THE COURT: Okay.

14 So, Ms. Wong, I'm happy to hear from you further.
15 Let me just tell you what my reaction to this motion for
16 reconsideration is, especially in light of the government's
17 answers to my questions. Which had been suggested in earlier
18 colloquy that I had with the government, but I did want to
19 clarify and confirm it on the record.

20 It seems to me the probative value of any
21 cross-examination is almost nil because there is really no
22 basis to believe that John Doe or Jane Doe number one
23 perceived that the government was extending a benefit to them
24 in exchange for their testimony or even at all. And Ms. Arfa
25 has just put on the record the fact that at least Jane Doe

1 number one doesn't perceive it as a benefit because it simply
2 forestalls something that they still have to deal with,
3 namely, the civil lawsuit. And the government hasn't made any
4 promises about seeking to intervene later to resolve that
5 civil lawsuit or have it dismissed, if the government could do
6 so.

7 Now, obviously I think you suggested I think in our
8 earlier discussion that perhaps the verdict in this case could
9 have the benefit of resolving that civil lawsuit. It's not
10 clear to me how that would be so necessarily since the civil
11 lawsuit alleges acts of corruption and this case really only
12 deals with accusations of harassment and acting as a foreign
13 agent for the Chinese government. Really not a direct nexus
14 or I would perceive a basis for moving for the dismissal of a
15 civil lawsuit, which could still have merit. And going back
16 to one of the points I said at the outset of the case is, as
17 far as I'm concerned, the merits or lack thereof regarding the
18 accusations or claims against the victims in this case, are
19 irrelevant and I don't want them introduced really in any
20 form, although obviously they've been alluded to with respect
21 to the Red Notice, but that obviously is unavoidable since
22 that's part of the government's theory as to who is behind
23 these efforts and the connection, if the government can
24 establish one, between the defendants and the Chinese
25 government. But I don't want the jury focusing on what the

1 alleged claims or charges are against the victims because that
2 has the great potential for nullification and it is irrelevant
3 to the elements of the government's charges against these
4 defendants.

5 So the civil lawsuit is to me an unnecessary and
6 potentially confusing and prejudicial issue which is why I had
7 denied the request earlier when Mr. McMahon made it. His
8 theory being slightly different than yours, namely, that the
9 existence of the civil litigation, which we all know was filed
10 after the alleged misconduct by the defendants, makes the
11 possibility or the alleged belief by Mr. McMahon that he was
12 working towards some civil -- or in connection with some civil
13 litigation more reasonable, and I rejected that. But I
14 similarly reject your argument that it might show bias by the
15 victims, which actually I think I might have suggested at some
16 earlier point, I don't remember exactly how it came up, but I
17 know I had mentioned my concern I guess about that
18 possibility. But that concern has certainly been allayed by
19 what I've just heard and what was generally discussed last
20 time with the government about the victims' perceptions about
21 the government's motion to stay and whether there had been any
22 promises made by the government, which clearly they have not,
23 with respect to the civil litigation.

24 So I do find --

25 MS. WONG: Your Honor, may I be heard?

1 THE COURT: Hold on a second.

2 -- the probative value slight and the prejudice
3 great. So I just wanted to explain to you what my thinking
4 was on it. So go ahead.

5 MS. WONG: Your Honor, there was one fact that I had
6 omitted from my filing that I just wanted to add on the record
7 which is the timing in which the Jane Doe 1, who will be
8 testifying, had gone and told the government about this
9 lawsuit and provided documents and demonstrated a coordinated
10 effort not only between her attorneys and the government with
11 McCarter & English, but herself she had provided documents,
12 translations, and a lot of information regarding the
13 underlying civil claims, but the date of that email that was
14 sent over is May 23rd, 2018. The allegations regarding
15 Mr. Zheng are after, they are in September 2018, which is
16 distinguishable from the other two defendants in this case.
17 That is one point.

18 My second point is that the other defendant -- the
19 other victim here John Doe 1 has written to the government,
20 which was produced in the 3500 material numerous times about
21 his immigration issues and in one of these exhibits he has
22 stated, thank you for staying of the case and I hope that -- I
23 know immigration is separate, but I hope that you'll be able
24 to help with that as well.

25 So although the prosecutors here may not have made

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1 any explicit promises about what was going to be happening in
2 regards to either immigration or in the civil case, I believe
3 that they should be cross-examined regarding the conversations
4 and perhaps promises whether they were -- are able to be
5 fulfilled or they are not able to be fulfilled with the agents
6 in this matter. There's been substantial agent contact over
7 the years with the victims here and I do believe that there
8 may be perceived notions and perhaps it could be appropriate
9 for there to be a very limited cross-examination in terms of
10 the civil case. Was there a civil case? Did the government
11 intervene and stay the civil case? Were there any promises
12 made to you about the outcome of this case? And we do not
13 need to even get into the merits of this.

14 THE COURT: No, but the problem is in order for you
15 to ask about the civil case so as to not give the appearance
16 that the government is just willy-nilly for -- or arbitrarily
17 helping them with whatever problems they might have in the
18 U.S., there would have to be some discussion about the fact
19 that the civil case makes the same accusations in the Red
20 Notice or in the PRC's underlying criminal charges or whatever
21 they put in their Interpol request. Because then it would --
22 obviously, the government could come back and at least argue
23 that the reason the government did it or the explanation that
24 they gave in fact to the lawyers for the -- see, this is the
25 problem. You can't get into the conversations between the

1 civil lawyers and John and Jane Doe, but obviously the
2 government presumably discussed with the lawyers for the
3 victims that the reason the government wanted to move for the
4 stay is because it's always troubling to have civil litigation
5 that could result in discovery that upends a criminal case or
6 at least interferes with a criminal case proceeding in the
7 normal fashion. And that it's not necessarily in the
8 government's -- or wasn't the government's desire simply to
9 help the victims, but rather to help itself, as Mr. Heeren
10 said, in conducting its criminal case and prosecution.

11 So my concern is you can't avoid going into the
12 nature of the civil litigation, that it is in some sense
13 parallel to the criminal case, hence explaining the
14 government's interest in staying it. But let's -- so that's
15 my concern. I think they are intertwined and inevitably the
16 nature of that civil litigation would have to come out,
17 otherwise I think it would improperly suggest some arbitrary
18 granting of a benefit or intersession by the government having
19 nothing to do with the government's own interest in taking
20 that action.

21 But I guess let's go back for a moment to some of
22 the other things that you acknowledged you didn't put in the
23 letter. First of all, the timing of the charges against
24 Mr. Zheng, and I guess you're saying an email from either the
25 victims or the victims' counsel regarding the civil case, and

1 so there was an email between who?

2 MS. WONG: Between Jane Doe 1 and between FBI agent
3 Robert Reilly.

4 THE COURT: Okay. And said we had this --

5 MS. WONG: It says, update information about civil
6 case, meaning that they've already spoken about the civil
7 case, and this information Ms. Liu informs Agent Reilly about
8 the attorney, meaning that they've already had discussions
9 about this prior to the attorneys at McCarter & English being
10 involved. It sort of demonstrates a coordinated effort, as
11 she provides translated documents and notarized documents to
12 the agent.

13 And this -- the timing is important especially for
14 Mr. Zheng as it demonstrates their personal interest in
15 continuing to report and to have -- to stay involved with the
16 government while the civil case is going on prior to Mr. Zheng
17 even getting involved here.

18 THE COURT: But let me ask you a question, wasn't
19 Mr. Zheng implicated in this scheme before May 23, 2018? I'm
20 not sure I understand because you say the bringing of the
21 allegations against Mr. Zheng occurred in December 2018,
22 whereas, this email was May 23rd, 2018 and I assume -- or when
23 was the stay obtained by the government? I don't really -- to
24 me those two events, the May 2018 transmission of information
25 about the civil case and the allegations about Mr. Zheng don't

1 necessarily relate or there's no cause and effect that can be
2 implied because I assume Mr. Zheng, I don't know, was always
3 in the mix even before May 2018 in terms of the government's
4 investigation. Because the victims aren't the ones who
5 identified the perpetrators. They didn't know of Mr. Zheng's
6 involvement or any of the defendants, it was the government's
7 investigation.

8 So, again, I don't see any causal connection between
9 the mere suggestion, and it's not even a direct statement but
10 a mere suggestion that somehow the victims perceived that the
11 government was helping them with their civil case and that's
12 what caused the government to file allegations against
13 Mr. Zheng. I just don't see any basis for that.

14 I presume the government took some time to figure
15 out who Mr. Zheng was, but the victims had no role in that
16 and, again, I don't -- A, there's nothing in the communication
17 itself that suggests that the victims were asking for help in
18 the civil lawsuit, but I guess the government should perhaps
19 clarify that, but certainly even if they did, there is no
20 connection between the government then filing charges about
21 seven months later against Mr. Zheng. There is no request of
22 it by the victims that they go after Mr. Zheng and the victims
23 had no idea who Mr. Zheng was at the time because they haven't
24 identified any of the perpetrators.

25 MS. WONG: Your Honor, can I clarify some of the

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1 timing issues and of course the government can speak for
2 themselves when they believe Mr. Zheng was involved, however,
3 I don't believe there is anything that demonstrates he was
4 involved before September 2018 and per --

5 THE COURT: Well, then that actually explains why he
6 didn't get indicted until after May 23rd, 2018 -- oh, hang on
7 a second. You said -- yes, May 23rd, 2018 because he was only
8 involved after May 2018.

9 MS. WONG: I don't believe anyone was arrested until
10 October of 2020.

11 THE COURT: Okay. But I guess what you're trying to
12 do though is suggest something nefarious or some reason to
13 believe that the victims sought a favor with respect to the
14 civil lawsuit that led to Mr. Zheng being charged.

15 MS. WONG: Your Honor, what I'm trying to suggest
16 here is that the victims have a perceived benefit that the
17 government is going to be coordinating with the civil lawsuit,
18 that they have already been served, they've already provided
19 documents months before prior to Mr. Zheng committing any
20 conduct.

21 THE COURT: Oh, okay, I think I understand what
22 you're saying now. But when you say allegations against
23 Mr. Zheng did not crop until December 2018, one, obviously
24 that makes some sense since his conduct wasn't until
25 September 2018, but two, you're not saying it was the victims

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1 who then all of a sudden alleged Mr. Zheng was involved in
2 December 2018, correct?

3 MS. WONG: I never said December.

4 THE COURT: Oh, did I mishear you on that? Sorry.

5 MS. WONG: No.

6 THE COURT: Well, you said it was after May 2018.

7 MS. WONG: Right. In September -- in September of
8 2018 the victims were already in very full communications with
9 the government both specifically with Robert Reilly and then
10 perhaps other FBI agents as well discussing the civil case,
11 were fully involved and were able to --

12 THE COURT: Hang on. I don't see any relevance to
13 the timing of when your client allegedly committed the crime
14 and then the indictment later and these allegations, other
15 than, and I don't think there is any dispute, the government
16 was aware, through its agents, about a pending successful
17 lawsuit against the victims. That I think is a given, but I
18 don't see how that really changes the discussion. There is no
19 doubt that the government knew of the civil lawsuit before any
20 of these defendants were indicted, I think that's a given,
21 right, during their investigation they clearly knew that and
22 the defendants weren't indicted until 2020.

23 MR. HEEREN: Yes, your Honor, charged on a complaint
24 at first, but then indicted.

25 THE COURT: Right. So I don't think -- when you

1 said, oh, I didn't put it in the letter, but somehow it's
2 relevant, I'm not sure it adds anything to the facts that you
3 allege support your request.

4 I think there is no dispute that the government knew
5 about the civil lawsuit early on in its investigation and well
6 before or certainly before they indicted the defendants in
7 2020. So I don't think it changes my analysis any.

8 What am I missing about what you're arguing?

9 MS. WONG: Well, your Honor, I'm speaking towards
10 their motive, not the government's charging decision, their
11 motive to testify.

12 THE COURT: Right, but you're trying to distinguish
13 your client from Mr. McMahon on that basis, that's what I
14 heard you saying, and you may be suggesting that because the
15 government knew about the civil case in May they made up -- or
16 the victim -- I actually don't understand. I'm struggling.
17 So the fact that your client is not alleged to have done
18 anything until September 2018, is that relevant with respect
19 to the timing of the government's knowledge regarding the
20 civil lawsuit?

21 Did I miss -- am I the only one who misheard
22 Ms. Wong saying that somehow that was a distinguishing factor
23 with respect to your client?

24 MS. WONG: After -- Mr. Zheng's conduct happens
25 after they are served with the lawsuit and they become more

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1 interested and vested in becoming witnesses for the
2 government.

3 THE COURT: But they never name Mr. Zheng. So
4 that's, to me, it's a non sequitur almost. The government
5 decides on its -- you're saying just they became more
6 motivated somehow before your client got indicted -- before
7 your client is alleged to have committed the conduct, but it's
8 still before anyone gets indicted, so I think he's in the same
9 boat, if you will, as everybody else. Again, it doesn't
10 change what we -- what I assumed when I ruled earlier that it
11 is still not probative, because the government clearly knew
12 about the civil lawsuit before they indicted anyone.

13 In theory the victims have always been, under your
14 theory, motivated to get the government to help them with the
15 civil case, I think that's what you're arguing, but the
16 government's representation is they never made any promise to
17 the victims about helping with the civil lawsuit. The
18 government just went and did it on its own.

19 MR. GOLDBERGER: With all due respect, if I may,
20 your Honor. It's not the government's motivation we're
21 talking about here, it's the thoughts and the ideas that the
22 witnesses had that they were getting a benefit from the
23 government. How many times does the government interfere in a
24 civil case, stop the civil case and say, that's not going on
25 until we do what we want to do with our case.

1 THE COURT: All the time.

2 MR. GOLDBERGER: I mean, that's a benefit to anybody
3 who is a defendant in a civil lawsuit.

4 THE COURT: Mr. Goldberger, that happens all the
5 time. In fact the government often does it while there is
6 still an investigation, they're still investigating, they
7 will.

8 MR. GOLDBERGER: But the jury should know about it
9 though, Judge, because the effect that it has on the
10 individuals who are testifying is not up to the government to
11 decide what the effect on them is, it's on those two witnesses
12 to say, no, I didn't think that helped me. If I'm a juror I'm
13 not so clear that I would believe them that they didn't think
14 it helped them and that's for a jury to decide not the Court.

15 THE COURT: Let me ask the government a question.
16 Is there any merit or basis for arguing that somehow the
17 witnesses, the victims' rather, statements are different
18 before the government intervened in the case versus afterward?

19 MS. ARFA: Not to my knowledge, your Honor, no.

20 THE COURT: Now I guess to pick up the thread of
21 Ms. Wong's argument, can the government say whether or not
22 their statements were different before May 23rd, 2018 and
23 afterward.

24 MS. ARFA: I was not involved in the case then, but
25 I have no understanding that it was different prior to or

1 after.

2 THE COURT: Do the DD5s -- not the DD5s, I'm sorry,
3 do the FBI 302s reflect any change in their testimony during
4 the course -- before, let's say, May 23rd, 2018 and after.

5 MS. ARFA: I've seen nothing to indicate that
6 there's any change.

7 THE COURT: Again, folks, I'm not saying it's
8 theoretically not relevant, but in this particular case I
9 don't find any basis -- I find very little basis, if any, for
10 you to try to argue that the victims -- and I agree with you
11 it's their perception, their belief, their motive to lie, if
12 you want to argue that, to curry favor with the government
13 that matters, but I don't see any basis for you to ask these
14 questions when balanced against the potential for prejudice.
15 So I'm weighing the probative value, which I think is
16 relatively minimal versus the prejudicial value, which I think
17 is significant. Because, again, I don't want to invite any
18 kind of nullification or weight into the merits of the civil
19 lawsuit, the claims in that lawsuit which are the same as the
20 accusations in the Red Notice or the PRC's Interpol request.
21 The latter I think, unfortunately, being necessary in order
22 for the government to prove the PRC connection but I don't see
23 any reason, if you will, gild the lily and keep focusing on
24 the civil lawsuit which mirrors -- or keep focusing on those
25 facts which are fueling both the civil litigation and the

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1 criminal prosecution, and also have the potential for
2 prejudice which I -- which is a reason I denied Mr. McMahon's
3 request of suggesting to the jury or allowing for any
4 suggestion to be made that it was reasonable for all
5 defendants to believe that they were helping with a civil
6 litigation, if that's their defense, or that's in fact what
7 they were doing beyond the notion that it was reasonable for
8 them to believe that. So for all those reasons --

9 MR. LUSTBERG: Your Honor, I'm sorry to interrupt --

10 THE COURT: Yes, Mr. Lustberg.

11 MR. LUSTBERG: -- just two things. I wanted the
12 record to be clear that I joined in the application.

13 THE COURT: Okay.

14 MR. LUSTBERG: And second, I would just point out
15 one additional fact that hasn't been discussed today, which is
16 in footnote nine of the government's original motion to
17 preclude this testimony. It reads as follows: John Doe
18 Number One and Jane Doe Number One have requested assistance
19 with their immigration status and with regard to the pending
20 civil litigation. It says, the government has not provided
21 any assistance with regard to either matter. But that's not
22 true. They requested -- I don't know what assistance they
23 requested, but this makes it sound like there was -- and I of
24 course believe my friends, but it sounds like there was a
25 request from John Doe Number One and Jane Doe Number One with

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1 regard to the civil matter, and lo and behold the government
2 moves stay it.

3 And I just think your Honor's narrative a few
4 moments ago did not take account for that footnote, which is
5 all the information I had until the Court's colloquy today.
6 So I don't know what that means but I'm just reading the
7 government's own words, so -- but in any event, I join in the
8 application and I think that that statement demands some
9 further inquiry.

10 THE COURT: Go ahead, Mr. Heeren.

11 MR. HEEREN: Yes, your Honor, just to start with the
12 last thing, I would just clarify that the government has
13 turned over everything in its possession related to the
14 victims' statements related to these two topics to defense
15 counsel out of abundance of caution even though we don't think
16 it's proper *Giglio* material.

17 THE COURT: What does it means that they've asked
18 for help with the civil litigation?

19 MR. HEEREN: So they discussed -- they raised the
20 civil litigation as Ms. Wong mentioned, although I disagree
21 with her characterization of the record. In the May 8, 2018
22 email the victim, Jane Doe 1, talks about how she's raising
23 the fact of the civil litigation to the FBI agent and
24 discusses how she ultimately thinks perhaps, even though they
25 are the ones being sued, it will be a good thing that they are

1 able to bring to light what's happening to them since they
2 perceive it as being targeted by the PRC government.

3 In this document, 3500 -- I won't use the victims'
4 initials, it ends 3500 at page 29 it doesn't make any specific
5 request. What the government -- nor does it say thank you for
6 the help. It says, thank you for your time.

7 The second point is in other documents the victims
8 have requested that the government investigate whether the
9 civil lawsuit is part of the targeted campaign against them.
10 Without getting into the government's grand jury
11 investigation, the government's made no promises about that.
12 So they've provided information, they've made requests in
13 their mind as to the relevance of the civil litigation, but
14 the government's made no representation about that and, as we
15 just discussed, the stay is a separate matter related to this
16 case.

17 THE COURT: All right.

18 MR. GOLDBERGER: Just one last thing, your Honor --

19 THE COURT: No, no, Mr. Goldberger, no need
20 actually. What I'm going to is strike a compromise here of
21 some sort. I will allow the defense to ask the witnesses
22 whether or not they believe they've received any benefit from
23 working with the government on this investigation and they
24 will give whatever answer they give. If they themselves
25 suggest that somehow they believe it will help them to do this

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1 in their civil matter or with respect to their immigration
2 status, the defense will be able to explore that. So I will
3 give the defense the opportunity to ask a more open-ended
4 question which doesn't immediately introduce some notion that
5 they're getting a benefit, which I don't think has been
6 supported by everything I've heard or even supported by the
7 discovery that's been disclosed, but I do recognize the
8 possibility that the victims somehow themselves, regardless of
9 any representations made by the government or the government's
10 perception of the situation, do believe that they are getting
11 some benefit by testifying and helping the government with its
12 investigation in this case.

13 So you'll be allowed to ask that question but make
14 it open ended and don't immediately start leading into this
15 issue about the civil lawsuit or about immigration status, but
16 if they say something that allows you to ask followup you can
17 do so. But if they give you the answer of no, I don't
18 perceive this is going to help me in anything else, other than
19 I guess getting them to stop harassing me or whatever they
20 say, then that's the answer you get. Okay.

21 So let's get started.

22 MR. HEEREN: Your Honor?

23 THE COURT: Mr. Heeren.

24 MR. HEEREN: One small thing for the record. When I
25 came in this morning I inadvertently told an elevator full of

1 people, no thank you, as they're trying to let me in, that
2 elevator included a juror. There was no other communication.

3 THE COURT: Okay. That's fine. Thank you.

4 Anything else for the defense before we start?

5 Sorry to cut you off Mr. Goldberger, since I was granting some
6 part of the relief and our jury is ready I didn't want to
7 prolong the conversation.

8 MR. GOLDBERGER: Thank you.

9 THE COURT: Anything else?

10 MS. WONG: No, your Honor, thank you.

11 THE COURT: Okay.

12 MS. CHEN: Your Honor, would it be possible to use
13 the lapel mic for the translator so they could write if they
14 need to.

15 THE COURT: Sure. Why don't you hand that one back
16 to me. We'll turn this off. We'll see if we can find the
17 lapel mic and see if it's charged.

18 THE COURTROOM DEPUTY: All rise.

19 (Jury enters courtroom.)

20 THE COURT: Have a seat everyone. Good morning,
21 ladies and gentlemen of the jury, I hope you had a restful and
22 relaxing weekend. We are going to resume with the
23 government's case, so let's have the government call their
24 next witness.

25 MS. ARFA: The government calls Liu Fang.

PROCEEDINGS

1 THE COURT: Stand up to my left, remain standing for
2 one moment so we can swear you in.

3 (The witness takes the stand.)

4 THE COURTROOM DEPUTY: Please raise your right hand.

5 (Continued on next page.)
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F. LIU - DIRECT - MS. ARFA

1 **FANG LIU**, called as a witness, having been first duly
2 sworn/affirmed, was examined and testified through the
3 Interpreter as follows:

4 THE WITNESS: Yes.

5 THE COURTROOM DEPUTY: You can have a seat. Please
6 state and spell your name for the record.

7 THE WITNESS: L-I-U, F-A-N-G.

8 THE COURT: Last name Liu?

9 MS. ARFA: Yes, your Honor.

10 THE COURT: So Ms. Liu, you can pull the microphone
11 closer to you, but the seat doesn't move so you have to move
12 the microphone if you need to.

13 You may inquire, Ms. Arfa.

14 DIRECT EXAMINATION

15 BY MS. ARFA:

16 Q Good morning.

17 A Good morning.

18 Q I'll just ask the witness to confirm, is Liu your family
19 name?

20 A Yes.

21 Q Do you use any other names?

22 A No.

23 Q What is your native language?

24 A Chinese.

25 Q Do you also speak and understand some English?

F. LIU - DIRECT - MS. ARFA

1 A Yes.

2 Q Are you more comfortable relying on an interpreter to
3 assist you in today's proceeding?

4 A Yes, I rely on Chinese.

5 Q Limiting your answer to the city or the town and the
6 state, where do you currently live?

7 A Warren, New Jersey.

8 Q Are you married?

9 A Yes.

10 Q What is your spouse's name?

11 A Xu Jin.

12 THE COURT: Can you spell that, Ms. Arfa.

13 Q Is that spelled X-U, then J-I-N.

14 A Yes.

15 Q Do you live with your spouse?

16 A Yes.

17 Q Do you have any children?

18 A Yes.

19 Q How many?

20 A One.

21 Q Do you have a son or a daughter?

22 A A daughter.

23 Q What is your daughter's name?

24 A Xu Xinzi.

25 Q Is that spelled X-U, and then X-I-N-Z-I?

F. LIU - DIRECT - MS. ARFA

1 A Yes, correct.

2 Q Is Xu your daughter's family name?

3 A Yes.

4 Q Does your daughter use any other names?

5 A She uses an English name which is Sabrina.

6 Q Limiting your answer now only to the state, where does
7 your daughter currently live?

8 A California.

9 Q Do you have any siblings?

10 A Yes.

11 Q How many?

12 A One.

13 Q Do you have a brother or a sister?

14 A My younger sister.

15 Q What's your sister's name?

16 A Liu Yan.

17 Q Is that spelled L-I-U, and then Y-A-N?

18 A Yes.

19 Q Limiting your answer again only to the state, where does
20 your sister currently live?

21 A New Jersey.

22 Q Does your spouse have any siblings?

23 A Yes.

24 Q How many siblings?

25 A One.

F. LIU - DIRECT - MS. ARFA

1 Q A brother or a sister?

2 A A younger sister.

3 Q What's her name?

4 A Xu Qin.

5 Q Is that spelled X-U, and then Q-I-N?

6 A Yes.

7 Q Where does Xu Qin live?

8 A In Wuhan, China.

9 MS. ARFA: Your Honor, may we publish GX23 which is
10 in evidence?

11 THE COURT: Yes, you may.

12 (Exhibit published.)

13 Q Who is this?

14 A That is me.

15 MS. ARFA: May we publish GX26 please, which also is
16 in evidence.

17 (Exhibit published.)

18 Q Who is this?

19 A That's my husband.

20 Q Would you remind us of his name, please?

21 A Xu Jin.

22 MS. ARFA: May we publish GX31, which also is in
23 evidence?

24 (Exhibit published.)

25 Q What is this?

F. LIU - DIRECT - MS. ARFA

1 A That is the photo of me and my husband.

2 MS. ARFA: May we publish GX28, please.

3 (Exhibit published.)

4 MS. ARFA: I'm sorry, which is in evidence.

5 Q Who is this?

6 A That is my daughter.

7 Q And would you remind us of her name please?

8 A Xu Xinzi.

9 MS. ARFA: May we publish GX24, which again is in
10 evidence.

11 (Exhibit published.)

12 Q Who is this?

13 A That is my younger sister.

14 Q Would you remind us of her name, please?

15 A Liu Yan.

16 MS. ARFA: May we please publish GX25, which is in
17 evidence.

18 (Exhibit published.)

19 Q Who is this?

20 A That is my father-in-law, the father of my husband.

21 Q What's his name?

22 A Xu Cewei.

23 Q Is that spelled X-U C-E-W-E-I?

24 A Yes.

25 MS. ARFA: May we publish GX30, which is in

F. LIU - DIRECT - MS. ARFA

1 evidence?

2 (Exhibit published.)

3 Q What is this?

4 A That is my father-in-law and my mother-in-law, the
5 parents of my husband.

6 MS. ARFA: May we publish now GX27, which is in
7 evidence.

8 (Exhibit published.)

9 Q Who is this?

10 A That is the younger sister of my husband.

11 Q What is her name?

12 A Xu Qin.

13 MS. ARFA: May we publish GX601, which is in
14 evidence.

15 (Exhibit published.)

16 Q Can you tell us what town this depicts? If you need us
17 to zoom in we can do that.

18 MS. ARFA: I am going to actually ask Ms. McMahon if
19 she could zoom in on it to the pin.

20 Q Ms. Liu, can you tell us what town this exhibit depicts?

21 A Short Hills.

22 Q What state is that?

23 A New Jersey.

24 MS. ARFA: May we publish now GX602, which is in
25 evidence. Again, I will ask Ms. McMahon if she can focus in

F. LIU - DIRECT - MS. ARFA

1 on the pin. Thank you.

2 (Exhibit published.)

3 Q What town does this exhibit depict?

4 A Short Hills.

5 Q What state?

6 A New Jersey.

7 Q Is that the same as the previous exhibit?

8 A Yes, the same.

9 MS. ARFA: May I show now the witness only -- this
10 is not in evidence -- what has been previously marked as
11 GX603.

12 I'll note the version I'm showing the witness
13 contains certain redactions, so Ms. Liu to the extent you
14 would like to see a version of this exhibit that does not have
15 the redactions, meaning those black boxes, I can provide you a
16 copy.

17 A That is not needed.

18 Q Let me ask, do you recognize this?

19 A Yes.

20 Q What is it?

21 A That's the picture of my address.

22 Q When you say a picture, what do you mean?

23 A That is the picture of the street.

24 Q Does it fairly and accurately depict that area?

25 A Yes.

F. LIU - DIRECT - MS. ARFA

1 MS. ARFA: The government offers GX603 in evidence.

2 MR. LUSTBERG: No objection.

3 MS. WONG: No objection.

4 MR. TUNG: No objection.

5 THE COURT: Admitted you may publish.

6 (Government Exhibit GX603, was received in
7 evidence.)

8 (Exhibit published.)

9 MS. ARFA: Again I'll note the version that we have
10 published includes redactions, but I will direct the jurors
11 that the unredacted version is in your binders, to the extent
12 you'd like to look at that version.

13 Q Ms. Liu, can you tell us again now for the benefit of the
14 jurors what this is?

15 A That's the photo of the street of my residence.

16 Q What town is reflected in this exhibit?

17 A Warren.

18 Q Again, what state?

19 A In New Jersey.

20 MS. ARFA: For the witness only please, may we show
21 what has previously been marked as GX604, which again contains
22 certain redactions.

23 Q So, again, Ms. Liu, to the extent you would like to look
24 at the unredacted version of this exhibit I can give you a
25 copy.

F. LIU - DIRECT - MS. ARFA

1 A That is not needed.

2 Q Do you recognize this exhibit?

3 A Yes.

4 Q What is it?

5 A That's the photo of the streets of my residence.

6 Q And does this fairly and accurately depict that subject
7 matter?

8 A Yes.

9 MS. ARFA: The government offers GX604 in evidence.

10 MR. LUSTBERG: No objection.

11 MS. WONG: No objection.

12 MR. TUNG: No objection.

13 THE COURT: Admitted you may publish.

14 (Government Exhibit GX604, was received in
15 evidence.)

16 (Exhibit published.)

17 MS. ARFA: Again, the version that has been
18 published includes certain redaction but for the benefit of
19 the jurors the unredacted version is in your binders to the
20 extent you would like to review.

21 Ms. McMahon, would you please take down GX604.

22 Thank you.

23 Q Ms. Liu, were you born in the United States?

24 A No.

25 Q Where were you born?

F. LIU - DIRECT - MS. ARFA

1 A In Shunyuan, China.

2 Q Is the People's Republic of China or the PRC the same as
3 China?

4 A Yes.

5 Q Are you familiar with references to the mainland?

6 A Yes, I'm familiar with it.

7 Q To what does that refer?

8 A The mainland refers to People's Republic of China, which
9 is PRC.

10 Q For about how long have you lived in the United States?

11 A About 13 years.

12 (Continued on the next page.)

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LIU - DIRECT - MS. ARFA

1 DIRECT EXAMINATION (Continued)

2 BY MS. ARFA:

3 Q Was your husband born in the United States?

4 A No.

5 Q Where was he born?

6 A He was born in Hubei, China.

7 Q For about how long has he lived in the United States?

8 A About 13 years.

9 Q Ms. Liu, are you familiar with something called
10 "Operation Fox Hunt"?

11 A I know that.

12 Q What do you understand that to be?

13 A Based on my understanding, Operation Fox Hunt is a
14 political campaign initiated by the Chinese authorities in the
15 name of anticorruption to chase or prosecute Chinese political
16 citizens.

17 The Chinese government, the Chinese authorities,
18 would force these Chinese persons, who lived overseas to
19 return to China, through the means of threat, abduction,
20 kidnapping, et cetera, and some of these people hold different
21 political views.

22 Q Are you a target of the Fox Hunt operation?

23 A Yes.

24 Q How do you know that?

25 A My husband told me that.

LIU - DIRECT - MS. ARFA

1 Q When was that?

2 A It was in the morning of April 2015.

3 Q Ms. Liu, I'd like to direct your attention now to
4 April 5th, 2017.

5 What happened that day?

6 A On that day, my father-in-law, as in my husband's father,
7 was unexpectedly sent to the home of my younger sister.

8 Q Would you please remind us of your father-in-law's name?

9 A Xu Cewei.

10 Q How do you learn of your father-in-law's arrival?

11 A My youngest sister called me.

12 Q And limiting your answer to the city or the town and the
13 state, where was your sister living at the time?

14 A Short Hills, New Jersey.

15 MS. ARFA: May we publish GX602, which is in
16 evidence, please.

17 (Exhibit published.)

18 MS. ARFA: Ms. McMahon, would you -- I believe there
19 are multiple pages, would you please scroll through them.
20 There are not? Okay.

21 I'm sorry, I apologize. Can we please publish
22 GX101, which, again, is in evidence.

23 (Exhibit published.)

24 MS. ARFA: And I'll ask Ms. McMahon to please scroll
25 through.

LIU - DIRECT - MS. ARFA

1 Would you please return to page 1.

2 Q Ms. Liu, do you know what this is?

3 A Yes, I know.

4 Q What is it?

5 A That is the home -- the residence of my younger sister at
6 the time.

7 Q I'm sorry, did you say "at the time"?

8 A Yes.

9 Q And so to confirm, she lived there in April 2017?

10 A Yes.

11 Q Is this the house to which your father-in-law was brought
12 in 2017?

13 A Yes.

14 MS. ARFA: For the witness only, please, can we
15 please show what has been previously been marked as GX116.

16 (Exhibit published to the witness.)

17 Q Do you recognize this?

18 A Yes.

19 Q What is it?

20 A That is the garage and the driveway in front of the
21 garage of my younger sister's home.

22 Q And does this fairly and accurately depict that area of
23 your sister's home as it existed in April 2017?

24 A Yes.

25 MS. ARFA: The government offers GX116 in evidence.

LIU - DIRECT - MS. ARFA

1 MR. LUSTBERG: No objection.

2 MS. WONG: No objection.

3 MR. TUNG: No objection.

4 THE COURT: Admitted.

5 You may publish.

6 (Government Exhibit GX116, was received in
7 evidence.)

8 (Exhibit published.)

9 MS. ARFA: This is now for the benefit of the jury.

10 Q Is this the same house as in the previous exhibit that we
11 reviewed, GX101?

12 A Yes, it's the same house.

13 Q And is this the house your sister lived in in 2017?

14 A Yes.

15 Q Is it the house to which your father-in-law was brought
16 in April 2017?

17 A Yes.

18 MS. ARFA: Ms. McMahon, I'll ask to you please take
19 down GX116.

20 Q In April 2017, where did your father-in-law live?

21 A In Wuhan China.

22 Q About how old was he at the time?

23 A He was 80-something.

24 Q Were you expecting your father-in-law to come to the
25 United States in April 2017?

LIU - DIRECT - MS. ARFA

1 A No.

2 Q How did you feel when you learned that he was in the
3 United States?

4 MR. LUSTBERG: Objection.

5 THE COURT: Overruled.

6 A I felt very surprised, it was out of the blue.

7 Q In April 2017, did you see your father-in-law after he
8 arrived in the United States?

9 A Yes.

10 Q When did you see him?

11 A He was sent to my younger sister's home by someone in the
12 evening of Wednesday, and I saw him in the morning on Friday.

13 Q Where did you see him?

14 A At my younger sister's home.

15 Q What, if anything, did he say about how he got to the
16 United States?

17 A Successful.

18 Q What did he say?

19 A He said that Tu Lan and others forced him to come to the
20 U.S. He did not want to come. And he was also given a task.
21 He must return to China with his son -- yeah, to persuade his
22 son to return to China.

23 He also told me that according to the original plan
24 of Tu Lan and others, Tu Lan, and also a Dr. Lee, and also my
25 father-in-law, the three of them, they were supposed to go --

LIU - DIRECT - MS. ARFA

1 go from Wuhan to Shanghai, and then from Shanghai to the U.S.
2 together. However, when they arrived in Shanghai, the plan
3 was changed. Tu Lan went to the U.S. first on her own, and
4 then my father-in-law and Dr. Lee came to the U.S.

5 Q You mentioned someone name Tu Lan. Do you know who that
6 is?

7 A Yes, I know.

8 Q Who is that?

9 A She is a prosecutor of Hanyang District of Wuhan City.

10 Q And I believe you mentioned a Dr. Lee.

11 Do you know who that is?

12 A I'm not sure. I only know that that person goes by the
13 name of Dr. Lee.

14 Q Do you know whether that individual was your
15 father-in-law's regular doctor?

16 A No.

17 Q To clarify, you do not know, or Dr. Lee was not your
18 father-in-law's regular doctor?

19 A Dr. Lee was not the regular doctor of my father-in-law.

20 Q Do you know whether Dr. Lee was a man or a woman?

21 A My father-in-law said she's a female doctor.

22 Q And I think you referenced a task that your father-in-law
23 was given.

24 Could you say what that was?

25 A They wanted him to meet with his son, and he must see him

LIU - DIRECT - MS. ARFA

1 and he has to persuade the son to return to China with him
2 together.

3 Q At the time of this visit in April 2017, was your and
4 your husband's address in the United States publicly
5 available?

6 A No.

7 Q Had you taken steps to keep it private?

8 A Yes.

9 Q Why?

10 A It was because after we learned that we have become the
11 target of the Chinese government, we don't want to cause
12 troubles to people who are familiar with us, so we chose to be
13 away from the people we are familiar with and also the
14 environment we're familiar with. We closed ourselves up.

15 Q Did your father-in-law indicate whether he had come to
16 the United States voluntarily?

17 MR. TUNG: Object to leading the witness.

18 THE COURT: Overruled.

19 A He said he was being forced to come.

20 Q How did that make you feel?

21 A I feel bad. In order to serve their purpose, they have
22 forced and threatened an 80-year-old man to come from China to
23 the U.S. In my view their action is equivalent to kidnapping.

24 Q As a result of your father-in-law's visit, did your
25 husband agree to return to China?

LIU - DIRECT - MS. ARFA

1 A No.

2 Q Did you?

3 A No.

4 Q Did your father-in-law subsequently return to China?

5 A Yes.

6 MS. ARFA: For the witness only, may I please show
7 what has been previously marked as GX32.

8 (Exhibit published to the witness.)

9 Q Do you recognize this?

10 A Yes, I do.

11 Q What is it?

12 A This person is Tu Lan.

13 Q Is this a fair and accurate representation of Tu Lan?

14 A Yes.

15 MS. ARFA: The government offers GX32 in evidence.

16 MR. LUSTBERG: No objection.

17 MS. WONG: No objection.

18 MR. TUNG: No objection.

19 THE COURT: Admitted. You may publish.

20 (Exhibit published.)

21 (Government Exhibit GX32, was received in evidence.)

22 (Exhibit published.)

23 Q And would you remind the jury, please, who this is?

24 A This is Tu Lan.

25 Q And who is Tu Lan?

LIU - DIRECT - MS. ARFA

1 THE INTERPRETER: Can I have the question again?

2 MS. ARFA: Who is Tu Lan?

3 A He's the prosecutor of Hanyang District of Wuhan City.

4 MS. ARFA: Ms. McMahon, if you could please take
5 down GX32.

6 Q Ms. Liu, I'd like to direct your attention now to
7 September 4, 2018.

8 What happened that day?

9 A On that day, two young Chinese men came to my residence.
10 They came to the front door of my residence and they slammed
11 the door very loudly and rudely. And they were twisting the
12 door handle forcibly trying to get in.

13 Q Were you home?

14 A Yes.

15 Q Where were you in your home?

16 A At the time, I was somewhere near the kitchen of my home.

17 Q Were you with anyone?

18 A My husband was home, too.

19 Q Was anyone else home?

20 A No.

21 Q Did either you or your husband answer the door?

22 A No.

23 Q Why not?

24 A It was because we are very scared when we heard the rude
25 and loud noise, slamming of the door, and also the door handle

LIU - DIRECT - MS. ARFA

1 was being twisted forcibly trying to get in. So we did not
2 answer the door.

3 Q What did you do?

4 A My husband turn on the security system of our home on his
5 electronic device, and we saw two people who came from the
6 driveway and walkway to our home. And my husband told me to
7 call the FBI right away.

8 So I called the FBI but it did not go through, so I
9 send them messages.

10 Q Let me just clarify.

11 When you say your husband turned on the video, was
12 it already recording or did he start recording at that point?

13 A That system had been working all along, and we can turn
14 it on at any time from electronic device to look at it.

15 Q And did you look at it?

16 A Yes.

17 Q Could you describe the men you saw, please?

18 A There were two people. One of them was more well-built,
19 and the other one was skinnier.

20 The one who was well-built, he wore a white T-shirt.
21 And the skinnier one, he dyed his hair gold. The well-built
22 one, he had dark hair, black hair.

23 Q And could you describe what you saw them do?

24 A I could see from the video that they stop their car in
25 front of the street, in front of my home. And they got out of

LIU - DIRECT - MS. ARFA

1 the car and walked to my front door through the driveway and
2 walkway.

3 So they went to the front door and stayed there for
4 a little while. And then they went to the back and stayed for
5 a little while.

6 The man with golden hair, he was talking on the cell
7 phone, while the other guy, in the white T-shirt, he was
8 peeking into my home, and they stayed there for a little
9 while, and then they left and returned to their car.

10 So -- and then they returned to the front door
11 again, and then left the front door and then went back to the
12 car and then they left.

13 And then a few minutes later, the car came back and
14 they came to my front door again and stayed there for a little
15 while. And then they left and returned to their car and drove
16 off.

17 THE COURT: Ms. Arfa, you may want to remind your
18 witness to keep her answers a little shorter for the sake of
19 the translator.

20 MS. ARFA: Let me return -- so let me tell you that
21 if you keep your answers a little bit shorter, I can follow
22 up, and we can give the interpreter time to catch up with you.

23 Q Let me return to something you just said, which is that
24 you saw the men peeking into your home.

25 MR. GOLDBERGER: Objection. That's not what she

LIU - DIRECT - MS. ARFA

1 said.

2 THE COURT: Overruled.

3 Just ask your question again.

4 Q I believe that you just said that you saw the men peeking
5 into your home.

6 A I said he was looking into the home.

7 Q And what part of the home was he looking into?

8 A That was the sunroom, which was connecting my home in the
9 back.

10 THE COURT: Maybe you want to clarify.

11 You used the plural men, she referred to one. Why
12 don't you clarify.

13 Q Did you see one man or both of the men doing that?

14 A I saw two men on the back. One of them was talking on
15 the cell phone, the other man was looking into the home.

16 Q And I believe you also referenced seeing a vehicle. Is
17 that accurate?

18 A Yes.

19 Q Could you describe the vehicle you saw?

20 A It was a white vehicle.

21 Q Where did you see the vehicle?

22 A That car stopped right in front of the street in front of
23 my home.

24 Q Did you see either of the men smoking?

25 A When the car left and then came back, and they came to my

LIU - DIRECT - MS. ARFA

1 front door, I saw the man with golden hair had a cigarette in
2 his right hand.

3 MS. ARFA: For the witness only, may I please show
4 what has previously been marked as GX119.

5 (Exhibit published to the witness.)

6 MS. ARFA: Ms. McMahon, if you would scroll through
7 the pages.

8 Q Do you recognize that?

9 A Yes.

10 Q What is it?

11 A That's my residence, my home.

12 Q And is it a fair and accurate depiction of your home?

13 A Yes.

14 MS. ARFA: The government offers GX119 in evidence.

15 MR. LUSTBERG: No objection.

16 MS. WONG: No objection.

17 MR. TUNG: No objection.

18 THE COURT: Admitted. You may publish.

19 And I'll note that there are multiple photos as part
20 of this exhibit.

21 (Government Exhibit 119, was received in evidence.)

22 (Exhibit published.)

23 Q What is this?

24 A That is the front view of my home.

25 Q And who lives there, other than you?

LIU - DIRECT - MS. ARFA

1 A My husband.

2 Q And let me clarify, I'm referring to September 2018.

3 So is this the home you were living in in September
4 2018?

5 A Can you please repeat the time?

6 Q Is this the home that you were living in in September of
7 2018?

8 A Yes.

9 Q Is this the house to which the men came as part of the
10 events that you just described?

11 A Yes.

12 MS. ARFA: Ms. McMahon, can we please go to page 2
13 of the exhibit.

14 Q What part of the house is this?

15 A That's the front door view of the house.

16 Q Can we please go to page 3.

17 What is this?

18 A This is a corner of the street that you can see the
19 driveway leading to the garage and there's a house in the
20 back, and that is my residence.

21 MS. ARFA: Could we please go to page 4.

22 Q What is this?

23 A On this photo, you can see the walkway going towards my
24 front door of my home and also the driveway going to the
25 garage.

LIU - DIRECT - MS. ARFA

1 MS. ARFA: Can we go to page 5, please.

2 Q What part of the house is this?

3 A This is the side view of the home. You can see the
4 garage and then the driveway in front of the garage. And from
5 here you can also see the back of the house. You can see the
6 deck I described earlier.

7 Q Is this the same driveway we were looking at a few pages
8 ago?

9 A Yes.

10 MS. ARFA: Can we go to page 6, please.

11 Q And what part of the house is this?

12 A This is the side view of the home. And you can see the
13 driveway leading to the garage, and also the street in front
14 of the house.

15 MS. ARFA: Could we go to page 8, please.

16 Q What part of the house is this?

17 A This the back of the house. You can see the back and
18 also the staircase leading to the back. And you can also see
19 the way to go from the driveway to the back.

20 Q How do you access that staircase from the street?

21 A If you're coming from the street, then you have to go to
22 the driveway. And then the driveway you have the garage, and
23 from there's a little bit of walkway. Then from there you go
24 to the staircase and then go to the back.

25 MS. ARFA: Could we go to page 17, please.

LIU - DIRECT - MS. ARFA

1 Q Where is this street in relation to your home?

2 A I need you to clarify.

3 Q Just the relationship, not how far it is, but relative to
4 your home?

5 A You see where the car's parked, that is the street in
6 front of my home. And then on the left-hand side is the
7 driveway. And then where you see the tiles, that is the
8 walkway that goes to my front door.

9 MS. ARFA: May I show, for the witness only, an
10 exhibit using the ELMO, please.

11 (Exhibit published to the witness.)

12 MS. ARFA: I'm showing you what has previously been
13 marked as GX710 which also contains sub-exhibits of GX710,
14 which previously have been marked as GX710A through H.

15 Q Ms. Liu, have you reviewed the contents of this drive
16 before?

17 A Yes, I did.

18 Q How do you know that?

19 A It's because after I reviewed it, I sign a piece of
20 paper.

21 Q Did you also add the date?

22 A Yes.

23 Q What's on this drive?

24 A This USB drive recorded the entire process when the two
25 men came to my home that day.

LIU - DIRECT - MS. ARFA

1 Q Does the drive contain the surveillance video from your
2 home for that day?

3 A Yes.

4 Q Does it contain surveillance video from any other day?

5 A Yes, it also included the next day, which was
6 September 5th.

7 Q And based on your review, are the exhibits on this drive,
8 fair and accurate copies of the video surveillance from your
9 home for those two days?

10 A Yes.

11 MS. ARFA: The government offers GX710 as well as
12 GX710A through H, which are the sub-exhibits in evidence.

13 MR. LUSTBERG: No objection.

14 MS. WONG: No objection.

15 MR. TUNG: No objection.

16 THE COURT: Admitted.

17 You may publish, whichever portions you'd like.

18 (Government Exhibit GX710, GX710A through H, were
19 received in evidence.)

20 (Exhibit published.)

21 MS. ARFA: Ms. McMahon, let's please begin with
22 GX107A, and may we please publish that to the jury and play
23 it.

24 (Video played; Video stopped.)

25 Q Ms. Liu, when was that video taken?

LIU - DIRECT - MS. ARFA

1 A September 4th.

2 Q Of what year?

3 A 2018.

4 Q What area is captured in the excerpt we just watched?

5 A That is the driveway of my home, and also the walkway
6 leading to the front door.

7 Then also the street in front of my home.

8 Q What direction were the men walking in this excerpt?

9 A They were leaving the front door, and they walked through
10 the walkway to go towards the garage, and then went to the
11 back of my home.

12 Q Do you recognize either of the men?

13 A I don't recognize them.

14 Q Do you know who they are?

15 A I don't know.

16 MS. ARFA: May we please publish GX710B, which is in
17 evidence, and play that for the jury.

18 (Video played; Video stopped.)

19 Q When was this video taken?

20 A September 4th, 2018.

21 Q What area is captured on this video?

22 A That is the back, the back of my home, and also the
23 sunroom.

24 Q Is that a room inside in your home?

25 A Yes.

LIU - DIRECT - MS. ARFA

1 Q Could you see what the men were carrying or holding?

2 A The man with the golden hair, he had a cell phone in his
3 hand. And the other guy, with the white shirt, he was holding
4 a transparent tape for packaging in his hand.

5 Q And we just watched the men walk past the steps.

6 Are those the same steps we looked at in the earlier
7 photos?

8 A Yes.

9 (Continued on the following page.)

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Liu - Direct - Arfa

1 (Continuing.)

2 MS. ARFA: For the witness only, please, may I show
3 what has previously been marked as GX 108. Ms. McMahon, would
4 you please scroll through the exhibit.

5 BY MS. ARFA:

6 Q Ms. Liu, what is this?

7 A That is an image from the screenshot taken from my home's
8 surveillance safety system.

9 Q And are those fair and accurate depictions of the images
10 from your home security system?

11 A Yes.

12 MS. ARFA: The Government offers GX 108 in evidence.

13 MR. LUSTBERG: No objection on behalf of
14 Mr. McMahon.

15 MS. WONG: No objection.

16 MR. TUNG: No objection.

17 THE COURT: Admitted.

18 (Government Exhibit 108, was received in evidence.)

19 THE COURT: You may publish.

20 (Exhibit published.)

21 MS. ARFA: Ms. McMahon, would you please go to the
22 second page.

23 Q Does this still reflect the two items you described the
24 men were holding?

25 A Yes.

Liu - Direct - Arfa

1 Q And just for the benefit of the jury, is this image from
2 the video that we just watched, as well?

3 A Yes.

4 MS. ARFA: May we please publish now GX 710-D, which
5 is already in evidence.

6 (Exhibit published; video played.)

7 Q What area is captured in this video?

8 A It shows the street in front of my home, and also the
9 driveway, and also the walkway walking towards my front door.

10 Q And can you describe what the men were doing in this
11 video?

12 A They walked towards my front door through the driveway
13 and the walkway.

14 Q Do you know whether this video was taken before or after
15 the other videos we watched?

16 A Well, right now I cannot tell. I need to see whether
17 they left the home or they left the front door. Right now I
18 cannot tell, because that day they came to the place three
19 times.

20 Q I'm sorry. They came where three times?

21 A They came to my front door three times.

22 MS. ARFA: Ms. McMahon, you can take that down,
23 please.

24 Q What did you do after the men left your home?

25 A I opened the front door of my home.

Liu - Direct - Arfa

1 Q And what happened then?

2 A I saw there's a piece of paper that was posted to the
3 bottom part of my door with a piece of transparent tape.

4 Q Was there anything on the piece of paper?

5 A Yes, the text.

6 Q What language was the text written in?

7 A In Chinese.

8 Q Do you remember, generally, what the piece of paper said?

9 A I remember.

10 Q Can you tell us what it said?

11 A If you're willing to go back to China and spend ten years
12 in jail, then your wife and your children will be fine.

13 That will be the end of it.

14 Q Ms. Liu, did you invite either of the men to your home
15 that day?

16 A No.

17 Q How did the men coming to your home make you feel?

18 MS. WONG: Objection, Your Honor.

19 THE COURT: Overruled.

20 A Their arrival made me feel like even though it was under
21 broad daylight and I stayed in my home and locked my door, I
22 was still very unsafe.

23 Q Why?

24 A It was because they brought great fear to me. I cannot
25 imagine that if on that day my doors locked was not strong

Liu - Direct - Arfa

1 enough, what happened if they were able to come in?

2 Q What did you do with the piece of paper you found?

3 A I follow the instructions given by the FBI agent. I took
4 a picture of it first. After that, I put on rubber gloves and
5 then took down that note and put it in a large plastic zipper
6 bag for food and then waited for them to pick it up.

7 MS. ARFA: May I show the witness only, please, what
8 has previously been marked as GX 505-B.

9 Q Do you recognize this?

10 A Yes.

11 Q What is it?

12 A That was the note that they left that day which was
13 pasted on my door.

14 Q Is this the note itself, or is this an image of the note?

15 A That is a photo of that note.

16 Q Who took this photo?

17 A I took it.

18 Q Is this a fair and accurate depiction of the photo you
19 took?

20 A Yes.

21 MS. ARFA: The Government offers GX 505-B in
22 evidence.

23 MR. LUSTBERG: No objection on behalf of
24 Mr. McMahon.

25 MR. GOLDBERGER: No objection.

Liu - Direct - Arfa

1 MR. TUNG: No objection.

2 THE COURT: Admitted.

3 (Government Exhibit 505-B, was received in
4 evidence.)

5 THE COURT: You may publish.

6 (Exhibit published.)

7 Q So would you please tell the jury what this photograph
8 depicts?

9 A That is the photo I took that day regarding the note they
10 left on my door.

11 Q Is this the front door of your home?

12 A Yes.

13 Q And is this the way in which you found the piece of
14 paper?

15 A Yes.

16 Q That tape that we see in the photograph, is that the tape
17 that you found when you found the piece of paper on your door?

18

19 THE INTERPRETER: I'm sorry. Can I have the
20 question again?

21 MS. ARFA: Is the tape that we see in the photo the
22 way Ms. Liu found it.

23 A Yes, that's how it looked to me when I found it at the
24 time.

25 MS. ARFA: We can, please, take that down.

1 THE COURT: Ms. Arfa, just so you know, five
2 minutes until our morning break.

3 MS. ARFA: I think, Your Honor, if you want to break
4 early, this may be a good stopping place, then.

5 THE COURT: All right. Why don't we do that.

6 So, ladies and gentlemen, 15 minutes. Be ready to
7 go at 11:25.

8 Don't talk about the case, don't do any research,
9 and keep an open mind.

10 THE COURTROOM DEPUTY: All rise.

11 (Jury exits.)

12 THE COURT: The witness can step down, and I'll ask
13 you to leave the courtroom.

14 (Witness exits.)

15 Have a seat, everyone.

16 First of all, I want to clarify the record on
17 something.

18 The last exhibit was Government Exhibit 505-B, and I
19 heard all of the defense counsel say "no objection," but the
20 record says "objection" for Mr. McMahon. So I just want that
21 to be corrected.

22 MR. LUSTBERG: To confirm, I said "no objection on
23 behalf of Mr. McMahon."

24 THE COURT: Right.

25 Secondly, with respect to objections, it's my rule

PROCEEDINGS

1 and practice in my courtroom to have only the lawyer who is
2 handling cross-examination of the witness object, or
3 conversely, the direct examination.

4 So, Ms. Wong, if you're doing the cross-examination
5 of this witness, I want you to be the only one to object and
6 not also Mr. Goldberger.

7 MS. WONG: Okay. I believe Mr. Goldberger is going
8 to be doing cross-examination.

9 THE COURT: Okay. So then he can object and you
10 should not.

11 MS. WONG: Fair enough.

12 THE COURT: I mean, so far you have only said "no
13 objection," but basically I only want one lawyer, whoever is
14 doing the examination, to indicate the position of the party
15 on any objection.

16 And then lastly, we have a bit of an issue to
17 discuss with respect to one of our jurors, Juror Number 9.
18 She advised Ms. Gonzalez this morning that she just learned on
19 Friday that she and her daughter are confirmed for a high
20 school tour tomorrow at 4 p.m., which means she'll have to
21 leave at 2 p.m. She also said that she's got two other high
22 school tours, I think, that are scheduled.

23 Is that right, Fida? Scheduled for next week?

24 Similarly, she'd have to leave at 2 p.m. We,
25 unfortunately, I don't think, can break early three separate

PROCEEDINGS

1 days because there's no real justification for doing that
2 versus excusing her, and it will put us far behind schedule.

3 So my proposal is that we release Juror Number 9
4 since we already know three days as to which she can only sit
5 part days. She is the woman who is sitting in the seat on the
6 floor in the front row closest to the podium.

7 So I'll hear from the Government first.

8 MR. HEEREN: We have no objection, Your Honor.

9 THE COURT: Okay.

10 Mr. Lustberg for Mr. McMahon?

11 MR. LUSTBERG: No objection here, Your Honor.

12 THE COURT: Ms. Wong or Mr. Goldberger?

13 MR. GOLDBERGER: No objection, Your Honor.

14 THE COURT: Mr. Tung?

15 MR. TUNG: No objection.

16 THE COURT: Okay.

17 So it probably makes sense for me to have
18 Ms. Gonzalez advise her right now during the break, and then
19 when the other jurors come back, I'll simply note for their
20 benefit that Juror Number 9 is no longer part of the jury, and
21 Alternative Number 1 is now Juror Number 12. I could say it
22 was simply a scheduling issue so they don't speculate any
23 further.

24 MR. HEEREN: I was just going to ask if it could be
25 kept general, because I do think it's something that probably

PROCEEDINGS

1 should have been disclosed earlier, and I don't want them to
2 get the impression that they could raise similar issues.

3 THE COURT: Well, I asked Ms. Gonzalez about that
4 and suggested she must have known during jury selection, but
5 my understanding is the actual appointments were only
6 confirmed on Friday, and it's my understanding, but I don't
7 have children in the public school system, but my
8 understanding is that if you don't take the opportunity, it's
9 lost, and obviously we don't want to impede her child getting
10 into the high school of her choice.

11 But maybe I will just say there was an unexpected
12 scheduling issue that has arisen and that is the reason for
13 her excusal. Okay?

14 So, folks, you have ten minutes now until we resume.

15 MR. LUSTBERG: I want to clarify one thing you said.

16 THE COURT: Yes.

17 MR. LUSTBERG: So what happens is, then, Juror 10
18 moves to 9, 11 to 10?

19 THE COURT: Correct. Everybody's number moves up,
20 essentially, so that we still have 12 jurors. So they're
21 renumbered after 9.

22 MR. LUSTBERG: Thank you.

23 (Recess was taken.)

24 (In open court.)

25 THE COURTROOM CLERK: All rise.

PROCEEDINGS

1 (Jury enters.)

2 THE COURT: Please be seated, everyone.

3 So, ladies and gentlemen of the jury, welcome back.

4 As you've noticed, Juror Number 9, who had
5 previously been seated at the far end of the front row, is no
6 longer part of the jury. I don't want you to speculate as to
7 why, other than I will tell you that she had an unexpected
8 scheduling issue that she only learned about on Friday that
9 made it impossible for her to continue serving for the
10 duration of the trial, and so that is why we had to excuse
11 her.

12 Now, what this means for the rest of you, especially
13 Alternate Number 1, you're now Juror Number 12, and everybody
14 else from 10 on goes down. So 10 is now 9, 11 is now 10, and
15 formerly 12 is now 11.

16 So let's continue, Ms. Arfa.

17 MS. ARFA: May I please show the witness an exhibit
18 on the ELMO for the witness only.

19 THE COURT: All right.

20 MS. ARFA: I'm showing the witness only what has
21 previously been marked as GX 505-1, which is a subpart of
22 GX 505.

23 BY MS. ARFA:

24 Q Do you recognize this?

25 A Yes.

Liu - Direct - Arfa

1 Q What is it?

2 A That is the note they left on my door.

3 Q Is this the actual physical note that was left on your
4 door?

5 A Yes, that was the note that was left on my door.

6 MS. ARFA: The Government offers GX 505-1 in
7 evidence.

8 THE COURT: Any objection?

9 MR. LUSTBERG: No, Your Honor.

10 MR. GOLDBERGER: No.

11 MR. TUNG: No.

12 THE COURT: Admitted.

13 (Government Exhibit 505-1, was received in
14 evidence.)

15 THE COURT: You may publish.

16 (Exhibit published.)

17 Q So, Ms. Liu, would you please tell the jury what this is
18 now that they can see it?

19 A That is the note they left on my front door that day.

20 Q Where was the note positioned on your front door when you
21 found it?

22 A It was pasted onto the bottom part of the front door. It
23 was pasted with the transparent tape.

24 Q I'm sorry. Did you say the bottom part?

25 THE INTERPRETER: The interpreter says yes.

Liu - Direct - Arfa

1 MS. ARFA: Thank you.

2 The Government offers GX 505-C in evidence pursuant
3 to GX 203, which is a stipulation already in evidence, and
4 which provides that Exhibit 505-C is an accurate
5 Chinese-to-English-language translation of Government
6 Exhibit 505.

7 THE COURT: Any objection to the admission of 505-C?

8 MR. LUSTBERG: No, Your Honor.

9 MR. GOLDBERGER: No.

10 MR. TUNG: No, Your Honor.

11 THE COURT: Admitted.

12 (Government Exhibit 505-C, was received in
13 evidence.)

14 THE COURT: You may publish.

15 (Exhibit published.)

16 MS. ARFA: May we publish GX 505-B and GX 505-C,
17 both of which are in evidence, side by side now. And would
18 you please, on the right side, call out only the top of
19 GX 505-C, Ms. McMahon.

20 (Exhibits published.)

21 Your Honor, may I now publish GX 505-1, which is the
22 physical exhibit, to the jury by giving it to them to review?

23 THE COURT: Yes, you may.

24 (Exhibit published.)

25 MS. ARFA: Your Honor, may I approach to retrieve?

Liu - Direct - Arfa

1 THE COURT: Yes.

2 MS. ARFA: Ms. McMahon, we can take those down now.

3 Thank you.

4 BY MS. ARFA:

5 Q Ms. Liu, I would now like to direct your attention to the
6 following day, September 5, 2018.

7 A You say September 15, 2017?

8 Q 2018. Did anything happen that day?

9 A Yes.

10 Q What happened?

11 A One of the two men who came to my home on September 4th,
12 as in the man in the white T-shirt, he came to my home, to the
13 front door again, on September 5th.

14 Q How do you know that?

15 A I saw him from the home security system.

16 Q Could you see him arrive?

17 A I saw that.

18 Q How did he arrive?

19 A He drove a white car.

20 Q Did it appear to be the same vehicle as the one you saw
21 the previous day?

22 A Yes, it looks the same.

23 Q And where did you see the vehicle positioned?

24 A It stopped at the street in front of my home that was
25 close to my driveway.

Liu - Direct - Arfa

1 Q What did you see him do after that?

2 A He walked to the front door of my home, and he stayed
3 there for a little while, and then he returned to his car and
4 then left.

5 Q Did you invite the man to your home that day?

6 A No.

7 Q How did his being there make you feel?

8 A It made me feel very unsafe.

9 Q Why?

10 A It was because on the first day they came, they slammed
11 on the door rudely and they tried to get in, but they could
12 not.

13 On the second day, he dare to come again. I felt
14 very scared.

15 MS. ARFA: May we please publish to the jury
16 GX 701-E, which is already in evidence.

17 THE COURT: All right.

18 MS. ARFA: I apologize. It should be 710-E, not
19 701.

20 (Exhibit published; video played.)

21 Q When was this video taken?

22 A September 5, 2018.

23 Q I'm sorry. I missed the answer.

24 A September 5, 2018.

25 Q What area is captured on this video?

Liu - Direct - Arfa

1 A The street in front of my home, and also the driveway,
2 and also the walkway leading to my front door.

3 Q Is this the same walkway we saw in the earlier clips,
4 which I will identify for the record as GX 710-A and GX 710-D?

5 A Yes.

6 Q Is this one of the men we saw in the other video clips,
7 which I will identify for the record as GX 710-A, 710-B, and
8 710-D?

9 A Yes, to me, it's the same.

10 Q And you testified earlier regarding a vehicle. Did you
11 see that vehicle in this video clip?

12 A Yes, I saw it. It stopped in the street.

13 Q Can you describe to us where in the video frame you see
14 the video? Just generally speaking.

15 A I don't know if you can see on your screen, but from what
16 I see, it is on the driveway on the left-hand side, and it's
17 close by the street.

18 THE COURT: So, Ms. Arfa, just so the record's
19 clear, I think you misspoke during the question. You said, do
20 you see where the video is in the video frame. I think you
21 meant where the vehicle is.

22 MS. ARFA: I apologize, yes. My question is where
23 the vehicle is.

24 And I will just ask to clarify with the witness
25 whether she saw the vehicle in her driveway or on the street,

Liu - Direct - Arfa

1 please.

2 THE WITNESS: It's in the street.

3 MS. ARFA: Ms. McMahon, you can take that down,
4 please.

5 Q I believe you had mentioned earlier that you had received
6 instructions from the FBI; is that right?

7 A Yes.

8 Q Did the FBI ever come to your home?

9 A Yes.

10 Q To your knowledge, did they find anything when they came
11 to your home? And, I'm sorry, let me clarify it.

12 Did they find anything on your property?

13 A They found a cigarette butt in the driveway, and they
14 also found a piece of crumpled paper thrown at the walkway.

15 MS. ARFA: Can we show the witness only, please,
16 what has previously been marked as GX 503-A. And I will ask
17 Ms. McMahon to please scroll through the entire exhibit.

18 Q Do you recognize this?

19 A Yes.

20 Q What is it?

21 A The photo reflects the cigarette butt that was found in
22 the driveway, and in the background far away, that is my home.

23 Q Is this a fair and accurate depiction of the cigarette
24 butt that was found and the location in which it was found?

25 A Yes.

Liu - Direct - Arfa

1 Q Let me just ask: Were you there when it was found?

2 A Yes.

3 MS. ARFA: The Government offers GX 503-A in
4 evidence.

5 MR. LUSTBERG: No objection on behalf of
6 Mr. McMahon.

7 MR. GOLDBERGER: No objection.

8 MR. TUNG: No objection.

9 THE COURT: Admitted.

10 (Government Exhibit 503-A, was received in
11 evidence.)

12 THE COURT: You may publish.

13 (Exhibit published.)

14 Q Beginning on page 1 now, what does this photograph
15 depict; could you tell the jury?

16 A That is the driveway, and there's a cigarette butt found
17 on the driveway, and in the far back in the background, that
18 is my home.

19 MS. ARFA: And could we go to page 2 now.

20 Q What is that?

21 A That is the cigarette butt.

22 Q Is that an enlargement of the cigarette butt that we saw
23 in the previous photograph?

24 A Yes.

25 MS. ARFA: Ms. McMahon, could we go back to page 1,

Liu - Direct - Arfa

1 please, and call out the cigarette butt?

2 Q Do you smoke cigarettes?

3 A No.

4 Q Does your husband?

5 A He does not smoke.

6 MS. ARFA: Ms. McMahon, we can take this down,
7 please.

8 Q As a result of the events on September 4th and
9 September 5th, did you take any safety precautions?

10 A Yes.

11 Q What did you do?

12 A My husband went to Home Depot to purchase those metal
13 chain safety locks, like the ones you see in the hotel rooms.
14 He purchased them and then installed them in all of our doors
15 facing outside, as in the bedroom door, the bathroom door,
16 etcetera.

17 He also purchased more cameras to expand the area
18 for the home security surveillance.

19 He also purchased a baseball bat for self defense
20 for own protection.

21 And we also change all the sheer curtains in the
22 home to the ones that are opaque and thick.

23 We also purchased the signs which says "Private
24 Property" and posted them at the driveway and walkway in
25 conspicuous locations.

Liu - Direct - Arfa

1 Q Why did you take these various steps?

2 A It was because their action on September 4th and 5th made
3 me feel very unsafe. As I said earlier, even though it was
4 under broad daylight, I was in my home and I locked my home, I
5 was still very unsafe.

6 Q I'd like to talk now about your daughter, Xu Xinzi. Did
7 you ever learn that in 2018 she was harassed?

8 A I know that.

9 Q Can you describe your understanding of how she was
10 harassed?

11 A Someone posted on her Facebook to her friends and
12 classmates with some articles defaming me and my husband.

13 Q Did you have an understanding of how, if at all, your
14 daughter was affected by that?

15 A I felt that my daughter was very angry and they were
16 using such demeaning way to harass her. I felt very angry
17 about it. I am also very concerned about the safety of my
18 daughter. Therefore, I ask my daughter from then on to send
19 me a message every day, no matter how busy she was, even
20 though an emoji would do, just to say that she's safe.

21 (Continued on next page.)

22

23

24

25

F. LIU - DIRECT - MS. ARFA

1 DIRECT EXAMINATION (Continued)

2 BY MS. ARFA:

3 Q I'd now like to talk about your sister, Liu Yan. Did you
4 ever learn that your sister was harassed?

5 A Yes, I know.

6 Q What was your understanding of how your sister was
7 harassed?

8 A My sister told me that she found that someone, an
9 Asian-looking man was jogging around her home and when she
10 drove her car that man was taking a picture of your car and
11 her home.

12 My sister also told me that a stranger claimed to
13 know my husband, was asking about the address of my husband
14 and also left her a message. She also told me that she found
15 out that someone was looking into the trash, in the recycle
16 bin of her home.

17 In 2019, my younger sister kept receiving mail
18 coming from China that lasted for about a half year. There
19 were letters and postcards and CD-ROM. These letters,
20 postcard and CD-ROM were sent in the name of my husband's
21 younger sister and also my husband's brother-in-law and also
22 in the names of the relatives of my younger sister in China.

23 Q Who were those letters sent to?

24 A I have not seen those letters myself. My sister talked
25 about them over the phone. I guess the content of them should

F. LIU - DIRECT - MS. ARFA

1 concern my husband.

2 Q Do you know whether your -- did your sister tell you when
3 you spoke whether she had received the letters, setting aside
4 who they were addressed to?

5 A She will told me whenever she received the letters.

6 Q About how often did she receive letters?

7 A It would be about once per week or once every two weeks
8 and the maximum amount received was three pieces a day.

9 Q Did you observe how your sister was affected by these
10 different events that you've described?

11 A Yes, I could feel that and I could observe that.

12 Q How was she affected?

13 A I could feel that she's suffering in pain and feel all
14 stressed and also angry by the persecution suffered by her
15 relatives in China.

16 Q Ms. Liu, how have the various events you've described
17 today, all of the various events impacted your life?

18 A My life was turned upside down at 180 degrees overnight.
19 Because the Chinese authorities has taken the measures to
20 implicate all the family members and the extended family. I
21 don't want to trouble anyone or to harm anyone and I don't
22 want to be harmed by anyone myself, therefore I chose to be
23 away from my familial environment and also the familial people
24 and I chose to be far away from the Chinese people, so I cut
25 off all the communications, ties with all the relatives and

F. LIU - CROSS - MR. GOLDBERGER

1 friends in China.

2 I sealed myself up. So I lost my friends and I lost
3 all the connections with my relatives and friends in China and
4 I lost my business partners. So because we chose to seal
5 ourselves up, we had to find a way to make a living and also a
6 new way of existence.

7 Q Would you like a moment?

8 A No, thank you.

9 MS. ARFA: No further questions.

10 THE COURT: Thank you, Ms. Afra.

11 MR. GOLDBERGER: I think I will start, your Honor.

12 THE COURT: Okay, Mr. Goldberger.

13 CROSS-EXAMINATION

14 BY MR. GOLDBERGER:

15 Q Good afternoon, Ms. Liu.

16 A How are you?

17 Q You came to the United States 13 years ago, is that what
18 you told us?

19 A Yes.

20 Q And was that the first time you'd been in the United
21 States?

22 A No.

23 Q How many other times had you been here?

24 A Many times. I cannot remember, I cannot count.

25 Q Well, were you here -- you said 13 years ago, so what

F. LIU - CROSS - MR. GOLDBERGER

1 year was that that you came with your husband 13 years ago?

2 A I started living in the U.S. with my husband since 2010
3 and before 2010 I came to the U.S. many times for visiting
4 family members.

5 Q What family members were here before 2010?

6 A My younger sister and my daughter.

7 Q Your daughter -- you had sent your daughter when she had
8 been residing in China you sent your daughter to school here
9 in the United States.

10 A My younger sister picked her up and let her study in the
11 U.S.

12 Q Are you talking about college or are you talking about
13 pre-college, prep school or something else?

14 A High school.

15 Q Where did she go to high school?

16 MS. ARFA: Objection.

17 THE COURT: Let's have a sidebar.

18 MR. GOLDBERGER: Just the state will be fine.

19 THE COURT: Okay. Still an objection to the state?

20 MS. ARFA: Yes, your Honor.

21 THE COURT: Let's have a sidebar.

22 (Continued on the next page.)

23

24

25

SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 THE COURT: What is the basis of your objection?

3 MS. ARFA: It's not relevant. I think it's an end
4 run to try to get in the allegations with the financial
5 crimes.

6 THE COURT: Well, I'm actually concerned that you're
7 maybe going towards some suggestion that they abused the
8 immigration system by having their daughter come and stay in
9 the U.S. and I'm guessing --

10 MR. GOLDBERGER: I'm interested --

11 THE COURT: Hang on, hang on, I haven't finished.

12 -- enter into a high school when she's actually not
13 a citizen or a resident even of the state or city.

14 MR. GOLDBERGER: No, I'm not concerned about that,
15 Judge. What we're getting to here is they sent their daughter
16 to a private school in the United States even before she went
17 to college, then they sent her to college at Cal Berkeley and
18 then they sent her to graduate school at Stanford. As an
19 outside U.S. student, they're paying full tilt to that --

20 THE COURT: So what?

21 MR. GOLDBERGER: Well, I mean --

22 THE COURT: So you want to show they have wealth.

23 MR. GOLDBERGER: Yes, I want to --

24 THE COURT: This does get back to the notion or
25 suggestion that somehow they committed corruption --

SIDEBAR CONFERENCE

1 MR. GOLDBERGER: No, no, Judge.

2 THE COURT: -- that's the point of their wealth.

3 MR. GOLDBERGER: It's not that they necessarily
4 committed corruption, it's they had money. So it's important
5 to how much money did they have that they were able to send
6 their daughter to school.

7 THE COURT: No, but what's the relevance of their
8 wealth to the case and whether they're credible reporters
9 of --

10 MR. GOLDBERGER: They --

11 THE COURT: -- the alleged harassment?

12 MR. GOLDBERGER: They applied for EB-5s. In order
13 to apply for an EB-5 you have to have \$500,000, plus you have
14 to be able to employ 10 Americans.

15 THE COURT: So whether there was some falsification
16 regarding the immigration application and the employment of
17 individuals, I think we covered this before and I did say that
18 you could explore to some extent her signing of an affidavit,
19 correct, and whether or not she knew it was false. That I did
20 rule on before going to her credibility. I don't know if
21 you're also going to ask if she had the money, the \$500,000,
22 which I understand was some part of the alleged falsehood, in
23 other words, her corrupt lawyer --

24 MR. GOLDBERGER: Yes.

25 THE COURT: But you're working in the other

SIDEBAR CONFERENCE

1 direction, you're suggesting they do have money.

2 MR. GOLDBERGER: I'm suggesting that they came here
3 after they had already had money and they came here with
4 money.

5 THE COURT: I'm not going allow you to go into their
6 wealth per se, because that's really what you're driving at to
7 suggest in some ways what --

8 MR. GOLDBERGER: I haven't asked them about whether
9 or not they stole anything in China or anything like that.

10 THE COURT: Again, I'm trying to ascertain why --

11 MR. GOLDBERGER: If we can't.

12 THE COURT: -- hang on.

13 MS. WONG: Your Honor --

14 THE COURT: The two you have to let me finish
15 speaking.

16 The question I have for you is, what is the
17 relevance of their wealth and now you're suggesting it goes to
18 whether or not she lied on her EB-5 applications. That I
19 allowed you to ask her given that there was, by all accounts,
20 a falsified affidavit she signed and the question there is
21 whether she knowingly signed a false one, but separate from
22 that, her wealth or their wealth is irrelevant to this case
23 and I don't want you going into it because there is this
24 backhanded suggestion that somehow the allegations that they
25 stole money in China pursuant to corruption are true.

SIDEBAR CONFERENCE

1 Again, the merits are or lack thereof of the
2 accusations against them, same with the civil lawsuit, are
3 irrelevant to the claims or charges in this case.

4 MR. GOLDBERGER: With all due respect, Judge, what
5 you're doing though is the two people that are the key people
6 or as the government says the victims in this case, you're
7 protecting the victims by your rulings from any real
8 discussion of their backgrounds at all.

9 THE COURT: No, but you want to get in the truth
10 of --

11 MR. GOLDBERGER: I want to get in the full
12 backgrounds --

13 THE COURT: You have to let me finish.

14 MR. GOLDBERGER: -- of each of these individuals.
15 I'm sorry judge.

16 THE COURT: You want to get in the truth of the
17 Chinese allegations and you're not going to get those in
18 because that is not proved, that's a whole other trial that
19 would have to happen. You want to suggest somehow that
20 they're corrupt and lying, correct?

21 MR. GOLDBERGER: Don't I have a right to ask what
22 they did for a living in China?

23 THE COURT: Not if you're going to try to suggest
24 they did something illegal.

25 MR. GOLDBERGER: I don't know what they are going to

SIDEBAR CONFERENCE

1 answer the questions, Judge, but how is it that you can cross
2 examine anybody if you can't get into the background of the
3 individual?

4 THE COURT: But what's the relevance of what they
5 did in China?

6 MR. GOLDBERGER: Because it's relevant to any person
7 what they did in China and how they acted and what kind of a
8 live they led.

9 THE COURT: No, you're just proving to me that what
10 you want to get in is some suggestion that they've done
11 illegal things or even if they are wealthy, who cares? It
12 doesn't mean they are any less victims. If it goes to their
13 credibility it only does because somehow you're suggesting
14 that they're lying or lied then or committed acts of
15 corruption. So that's why I find it irrelevant either to show
16 they are wealthy, which is purely irrelevant, or worse yet to
17 suggest they lied or cheated to get the money that they now
18 have.

19 MR. TUNG: I have a question, I was going to ask
20 because she already stated she became a target of this
21 Operation Foxhunt. So how -- I was going to ask, how did you
22 become the target? She already testified.

23 THE COURT: Right --

24 MR. TUNG: She already testified.

25 THE COURT: -- you're going precisely to what I

SIDEBAR CONFERENCE

1 don't want you to get into.

2 MR. TUNG: I know what you're saying. That's why
3 I'm saying can I ask her -- I think I have a right to ask --

4 THE COURT: No.

5 MR. TUNG: -- she already said it, she became the
6 target and how. She already also said it's either for
7 political or if you have people hold different political view
8 or economic corruption, she already said she classified both.
9 So of course --

10 THE COURT: Folks, here what I'm going to say and
11 I'm happy to instruct the jury. The merits or lack thereof
12 any charges in China is irrelevant to this case. I don't want
13 the jury sitting there and trying to opine or think about
14 whether they are guilty of the corruption charges. Again, as
15 I said at the very beginning that's not relevant to the
16 charges against the defendants about whether they were working
17 for the Chinese government to try to repatriate these folks,
18 okay, or working for the Chinese government, period. That's
19 the charge, or whether they were harassing or stalking them.

20 Now you can ask questions related to credibility but
21 again your argument is, at best, if somehow if they were liars
22 or cheats back in China that goes to their credibility, but
23 I'm not allowing you to go into that because the merits of
24 that or the truth of that you cannot show and it is very
25 prejudicial.

SIDEBAR CONFERENCE

1 MR. GOLDBERGER: With all due respect, Judge, how
2 does one ask people questions about their character and their
3 background if you're not allowed to explore what their
4 character and background is?

5 THE COURT: There are limits and sometimes you can
6 ask certain questions, this is one I'm drawing because of the
7 prejudicial value. I do not want the jury nullifying,
8 thinking that it's okay to hunt them down or take these
9 measures because they're guilty of crimes in China, the proof
10 of which you cannot show and will not be part of this case.
11 So --

12 MR. GOLDBERGER: Are we not allowed -- I just want
13 to be sure, Judge --

14 THE COURT: Well, let me stop you for one second,
15 I'm sorry. If there was a felony conviction that was valid
16 and established, that would be one thing, but you want to ask
17 about the Chinese government -- yes, but Ms. Wong, you may
18 laugh but --

19 MS. WONG: But there is --

20 THE COURT: No --

21 MS. WONG: -- they were tried.

22 THE COURT: -- but in a Chinese system that has not
23 validity here. It does not have sufficient validity that you
24 can then assume that they were properly convicted. I'm not
25 accepting that, that's my point.

SIDEBAR CONFERENCE

1 MR. GOLDBERGER: Well, Judge, with all due respect
2 also, the government put up on the wall as an exhibit pictures
3 of the --

4 THE COURT: Wanted.

5 MR. GOLDBERGER: -- wanted and the guy's on the
6 poster. Now, I didn't force the government to put that
7 picture up.

8 THE COURT: But that's why I said before
9 unfortunately --

10 MR. GOLDBERGER: So how do we ask questions about
11 pictures that the government put on the wall and put into
12 evidence?

13 THE COURT: But that's put into evidence for two
14 reasons. One, I imagine it's her perception of what's
15 happening to her and her fear. And second is, for the
16 government to show the Chinese connection they do have show
17 that there is a foreign government involved here in terms of
18 hiring these individuals, so their argument goes. So they do
19 have to show that the Chinese government was, according to the
20 newspaper report, looking for them.

21 MR. GOLDBERGER: I know your Honor doesn't mean to
22 be doing but what you're doing -- and I really believe you're
23 doing it, what you're doing is you're allowing the government
24 to put in one side of the issue --

25 THE COURT: Careful of the court reporter. You put

SIDEBAR CONFERENCE

1 your hand in front of her face.

2 MR. GOLDBERGER: -- and you're not allowing any
3 exploration on our side as to the government has put in. They
4 can put in anything they want and then, for instance, they --

5 THE COURT: How does it harm you? The government
6 has to put in evidence that in theory is harmful, which is
7 that they're wanted by a foreign government for committing
8 corruption. That bad fact is in front of the jury because the
9 government has to put it in, but I'm not going to let you milk
10 that because the truth of that can never be ascertained. You
11 cannot say to me, I'm not going to accept the notion that
12 there is somehow a recognized valid conviction that I should
13 allow you under 609 to cross examine her about. That is not
14 happening. I do not find that it is legitimate enough to --

15 MR. GOLDBERGER: I hear, your Honor, but what's
16 happening though, Judge, and we feel it over at our side of
17 the table is that what you're allowing the jury to think is
18 that the charges that were made in China against this man,
19 okay, are phony and what everything that goes with the Chinese
20 charges are phony and, therefore, the jury is going to wonder
21 why we haven't asked any questions.

22 THE COURT: Stopping leaning near the court
23 reporter, it's a little bit disconcerting and in her personal
24 space.

25 I'm happy to give an instruction to the jury should

SIDEBAR CONFERENCE

1 not -- simply should not consider the validity or lack thereof
2 of any charges. Because this case is focused on individuals
3 in the United States who are alleged to have worked for or at
4 the behest of the Chinese government. Whether the charges are
5 valid or not is not their concern. I'm happy to neutralize
6 any prejudice you think.

7 MR. GOLDBERGER: Can I ask the Court a question
8 then? They put in pictures of, must have been 30 or 40 police
9 officers or prosecutors that came from the Wuhan district to
10 the United States at various times. What was the point of
11 those, putting in those pictures?

12 THE COURT: To show the Chinese government
13 connection, right? They have to show that, right? They have
14 to say -- their argument is all these individuals starting
15 from Tu Lan on down are working at the behest of the Chinese
16 government to repatriate these folks. The government has to
17 shown that a foreign agent -- I mean a foreign government is
18 instructing these folks. But that's all. That's why I'm
19 happy to give a curative instruction if both sides -- I don't
20 know if both sides want it, but if the defense wants it I will
21 give it to neutralize any suggestion that somehow your
22 inability to cross the witness on those charges against her
23 suggest that they are invalid. But, again, the government's
24 not going to argue that they are invalid and you shouldn't be
25 arguing that they are valid.

SIDEBAR CONFERENCE

1 I want to simply take it out of the jury's
2 consideration, period, and I think a limiting instruction
3 would achieve that. And I think because both sides have
4 something to lose from this fact hanging out there without any
5 explanation, but the government has to put it in,
6 unfortunately for them. It's really the last thing they want
7 to do is suggest that their victims are criminals, but they
8 have to.

9 MR. TUNG: Your Honor, remember yesterday on the
10 last week you said I can ask that question whether or not Jane
11 Doe 1 transferred the property at Short Hill to her sister for
12 no consideration. You say we can't ask her.

13 THE COURT: Right.

14 MR. TUNG: Remember that, right?

15 THE COURT: But I think that's unrelated to what
16 we're talking about. But however I ruled on that is how I
17 ruled. Mr. Tung, that's a prior ruling it has nothing to do
18 with this issue.

19 MR. TUNG: I know, I know.

20 THE COURT: I'm not recanting on that.

21 So, Mr. Goldberger, I'm not letting you get into
22 whether or not she committed the crime she's convicted of or
23 accused of in China, period.

24 Now, I can't remember where that leaves us. What
25 was the pending question?

SIDEBAR CONFERENCE

1 MR. GOLDBERGER: I don't know if she's accused of
2 anything.

3 MS. ARFA: The state where she went to high school.

4 THE COURT: Oh, right.

5 MS. WONG: She's talking about her family life.

6 THE COURT: Relatedly I don't want you getting into
7 her wealth, however you're allowed to ask about this EB-5
8 process in terms of her, you would argue, knowingly signing a
9 false affidavit, period. That goes to her credibility. Her
10 wealthy doesn't have anything to do with anything relevant
11 here, not even her credibility.

12 MR. GOLDBERGER: In order to question anybody about
13 the EB-5 process, because both her husband and herself had to
14 put up \$500,000, we need to explore where she got the money
15 from.

16 THE COURT: You can ask that. My understanding is
17 that the lawyer lied about it and cobbled together the money
18 from his associates, but you can ask her that question. Did
19 she knowingly say she had \$500,000 when she didn't. Not does
20 she have \$500,000, but whether she lied about having \$500,000.

21 MR. GOLDBERGER: What about her husband?

22 THE COURT: The two of them whoever -- I mean, I
23 don't know how the affidavit works, I assume it's got to be
24 their marital wealth or wealth she has access to. You can ask
25 her questions that relate to her credibility with respect to

SIDEBAR CONFERENCE

1 the EB-5 process and the government will continue to make
2 objections if they think it's appropriate, but I want you to
3 understand the guideposts.

4 (End of sidebar conference.)

5 (Continued on the next page.)

F. LIU - CROSS - MR. GOLDBERGER

1 (In open court.)

2 THE COURT: Ladies and gentlemen, I'm sorry about
3 the prolonged sound machine. We had a few things to address
4 at sidebar.

5 The last objection was sustained.

6 You'll ask your next question, Mr. Goldberger.

7 MR. GOLDBERGER: Very well, your Honor.

8 CROSS-EXAMINATION (Continued)

9 BY MR. GOLDBERGER:

10 Q Your daughter has been going to school in the United
11 States for how long?

12 A She studied here for high school, college and also for
13 her master's degree.

14 Q Who paid for that?

15 MS. ARFA: Objection.

16 THE COURT: Sustained. You don't have to answer
17 that, So Madam Interpreter you don't need translate.

18 Go ahead, next question.

19 Q Is your daughter on scholarship?

20 MS. ARFA: Objection.

21 THE COURT: Sustained.

22 Q When your husband's father came to the United States, you
23 described that on direct examination this morning, correct?

24 A Yes.

25 Q And did you go and meet him?

F. LIU - CROSS - MR. GOLDBERGER

1 A Yes.

2 Q And where did you meet him?

3 A At my younger sister's house.

4 Q Your husband went with you?

5 A Yes.

6 Q And you and your husband had a conversation with his
7 father?

8 A Yes.

9 Q And that conversation dealt with him wanting his son,
10 your husband, to return to China?

11 A Yes. My father-in-law did persuade my husband, he said
12 that was the assignment given to him by Tu Lan.

13 Q Your father-in-law talked about a woman who was a member
14 of the Chinese government named Tu Lan, is that what you're
15 saying?

16 A Yes.

17 Q Did he say -- did your father-in-law say he was working
18 for Tu Lan?

19 A No. He said it was Tu Lan who forced him to come and ask
20 him to complete this task.

21 Q Tell us how Tu Lan forced him to come?

22 A My -- I don't remember my father-in-law talk about how he
23 was being forced to come, but I remember that he said that he
24 did not want to come and it was Tu Lan who forced him to come.

25 Q Who came with your father-in-law, if anybody?

F. LIU - CROSS - MR. GOLDBERGER

1 A Tu Lan and Dr. Li.

2 Q Did they come to the house and also meet?

3 A No.

4 Q Do you know where they were when your father-in-law was
5 at the house?

6 A My father-in-law said they were at the hotel they
7 reserved the rooms at a hotel near the airport.

8 Q And how was it that they forced your father-in-law, if
9 you know, forced your father-in-law to come to the United
10 States?

11 MS. ARFA: Objection.

12 THE COURT: Overruled.

13 A I cannot remember clearly what my father-in-law said.

14 Q How long did you and your husband meet with your
15 father-in-law?

16 A I cannot calculate the time.

17 Q Was it a half hour, was it three hours? Give us an
18 approximation, if you can?

19 A Maybe around two hours, I cannot remember.

20 Q How long had it been since your husband had seen his
21 father?

22 A I don't understand your question. Which time frame are
23 you talking about?

24 Q Let's go back. You said that your father-in-law came to
25 your sister's house, you and your husband went there and had a

F. LIU - CROSS - MR. GOLDBERGER

1 discussion with him, correct?

2 A Yes.

3 Q And when was the last time that your father-in-law had
4 seen his son prior to that?

5 A The day before. The first day. Because I saw my
6 father-in-law on a Friday.

7 Q So your husband and your father-in-law met privately the
8 day before?

9 A Yes, my husband met with my father-in-law.

10 Q You didn't say that on direct examination when you were
11 examined by the prosecution, why is that?

12 MS. ARFA: Objection.

13 THE COURT: Sustained. Hold on one second.
14 Sustained.

15 Q Where did the meeting the day before take place?

16 A At the Livingston Mall.

17 Q And it was just your husband and his father?

18 A Yes.

19 Q Do you know what the discussion was about?

20 A I don't know.

21 Q You didn't ask your husband what the discussion with his
22 father was about when he came home?

23 A I asked him, but he did not tell me.

24 Q How come your father-in-law didn't stay with you and his
25 son?

F. LIU - CROSS - MR. GOLDBERGER

1 A It was because we knew that he had a task, the fact that
2 he must meet with his son that was the task given to him by
3 Tu Lan. He had to persuade him, but we don't want the old man
4 to be subject to lengthy questioning or interrogations by the
5 Chinese Communist Party when he returned home, and he's so
6 old. So we decided not to let him say that he actually met
7 with his son.

8 Q Are you saying that -- did you overhear any discussion
9 between your husband and his father on the day they met
10 separately?

11 MS. ARFA: Objection.

12 THE COURT: Overruled.

13 A No, I was not there.

14 Q How old was your father-in-law at the time of this
15 meeting?

16 A He's 80 something.

17 Q I'm sorry, I didn't hear that.

18 A He's in his 80s.

19 Q Is your mother-in-law still alive?

20 A Yes.

21 Q She didn't come with him though?

22 A No.

23 Q When was the last time you and your husband had seen your
24 father-in-law prior to the time you just talked about?

25 A Can you be more specific with the time?

F. LIU - CROSS - MR. GOLDBERGER

1 Q Had you seen him a year before, two years before, three
2 months before, when? When had you seen him?

3 A Are you asking me when I saw him last time before he was
4 forced to come in April 2017?

5 Q Your testimony is that he was forced. That's what he
6 told you; is that correct?

7 A Yes.

8 Q Did anybody else tell you that?

9 A I don't understand what you meant. What do you mean by
10 other people?

11 Q Did Tu Lan, who was supposedly according to you there in
12 the hotel, did she get in touch with you and your husband?

13 MS. ARFA: Objection.

14 THE COURT: Sustained. I'm not sure you established
15 some of the facts that you're asking her about. Maybe you
16 could ask a few more foundational questions.

17 Q You told us before that your father-in-law came to the
18 United States to see your husband and to try to convince him
19 to go back, correct?

20 A Yes.

21 Q And you also told us, did you not, that Tu Lan and
22 another individual were at a hotel nearby where you met with
23 your father-in-law; is that correct?

24 A I only said that my father-in-law told me that Tu Lan and
25 Dr. Li they have booked at the hotel, but I did not see them

F. LIU - CROSS - MR. GOLDBERGER

1 when I met with my father-in-law. I did not know where they
2 were and I don't know whether they were at the hotel or not.

3 Q Did you ever receive any direct phone calls yourself, you
4 or your husband, from the person you've identified as Tu Lan?

5 A No.

6 Q Okay. How long did your husband speak to your
7 father-in-law, to his father on the day they met privately
8 without you?

9 A I was not there that day, I don't remember how long it
10 was.

11 Q Well, who set up the meeting, if you know?

12 A No one really arranged it. My husband told my younger
13 sister that he wanted to see his father and my younger sister
14 sent my father-in-law to the place where they would like to
15 meet.

16 Q Did you -- let's change the subject for a second. When
17 you came to the United States for good 13 years ago, had you
18 considered going to any other country?

19 MS. ARFA: Objection.

20 THE COURT: Overruled.

21 A I did.

22 Q What other countries had you considered?

23 A Europe. In fact, I've been to Canada. I went on a
24 cruise to Alaska that was in 2012 or 2011, I cannot remember
25 exactly. That was after I came to the U.S. in 2010.

F. LIU - CROSS - MR. GOLDBERGER

1 Q Had you traveled in Europe as well?

2 A No. That was my travel plans, but it was not realized.

3 Q Was the relationship between United States Government and
4 the Chinese Government a factor in where you decided to live?

5 MS. ARFA: Objection.

6 THE COURT: Overruled.

7 THE INTERPRETER: The Interpreter would like to
8 repeat the question.

9 A I don't think so.

10 Q Why is it that you hesitate?

11 MS. ARFA: Objection.

12 THE COURT: Overruled.

13 A I'm not hesitating, I'm just thinking.

14 Q The previous time that your husband had seen his father,
15 I just want to make sure we understand this, was how long
16 before this time that you discussed on your testimony? How
17 many years had it been?

18 A My father-in-law came in 2016.

19 Q Stayed with you?

20 A Yes. And also he came with my mother-in-law.

21 Q Did he try to persuade you to go back, you and your
22 husband, then?

23 A No.

24 (Continued on the next page.)

25

LIU - CROSS - MR. GOLDBERGER

1 CROSS-EXAMINATION (Continued)

2 BY MR. GOLDBERGER:

3 Q So that didn't come up until 2017; is that correct?

4 A Can you be more specific, about what?

5 Q The conversations that you and your husband, or mostly
6 your husband, going back to China, did not take place until
7 when, what year?

8 THE COURT: Conversations with the father-in-law.

9 I just want to clarify your question.

10 MR. GOLDBERGER: Yes.

11 THE COURT: Okay.

12 A As far as I know, it happened after they sent my
13 father-in-law to my older -- younger sister's home in 2017.

14 Q Had your husband been sending your father and his family
15 that were still left in China, had he been sending them money?

16 MS. ARFA: Objection.

17 THE COURT: Sustained.

18 Q Was your father-in-law still working when he came here in
19 2017?

20 MS. ARFA: Objection.

21 THE COURT: Sustained.

22 Q What does your father-in-law and your mother-in-law do
23 for a living in China?

24 A They work at the university. They work at the
25 university.

LIU - CROSS - MR. GOLDBERGER

1 Q He was still working there when he was 80?

2 MS. ARFA: Objection.

3 THE COURT: Overruled. Go ahead.

4 A No. He already retired.

5 When you asked me how they make a living, I said --

6 MS. ARFA: Objection.

7 THE COURT: Overruled.

8 Go ahead, you can finish your answer.

9 A You asked me how they make a living. I said they used to
10 work at the university.

11 Q Both your father-in-law and mother-in-law worked at the
12 university in Wuhan?

13 A Yes.

14 Q What did they do?

15 MS. ARFA: Objection.

16 THE COURT: This is the last question along this
17 line. Let's move it along.

18 Yes. Go ahead.

19 The question is: What did they do?

20 A My father-in-law was a professor. He used to teach at
21 the university. And my mother-in-law worked at the library.

22 Q When you came here and you applied for -- to get into the
23 United States, you made an application for an EB-5; is that
24 correct?

25 A Yes.

LIU - CROSS - MR. GOLDBERGER

1 Q What did that EB-5 documentation require you and your
2 husband do?

3 A For the EB-5 application, there were requirements for the
4 main applicant, however, for the family members of the main
5 applicant there were no requirements.

6 And the main requirement for the main applicant was
7 that it has to be guaranteed that the investment amount was in
8 place, and that investment was true. And also the source of
9 the funding for the investment has to be legal.

10 And regarding the EB-5 application, the immigration
11 authorities would review the EB-5 application. That is the
12 main criteria.

13 Q You had to put up, for an EB-5 application, each
14 individual that applies for this application has to put up
15 \$500,000, correct?

16 MS. ARFA: Objection.

17 THE COURT: This is a question about her
18 understanding, so overruled.

19 What was your understanding of the EB-5 requirement
20 for you and your family?

21 A The application requires the person coming to the U.S. to
22 do an investment of 1 million U.S. dollars, or they could
23 invest half a million dollars in the special sums.

24 So it has to be done through building a new business
25 or rebuilding a business entity, and also to realize to create

LIU - CROSS - MR. GOLDBERGER

1 plenty of opportunities.

2 And for the EB-5 application, you can either manage
3 or upgrade your investment project yourself, or you can do it
4 through the regional centers. Many people choose the latter
5 option, to do it through the regional centers. The regional
6 centers would operate and manage the investment project. And
7 I prefer this mode of investment.

8 And regarding the application, there's no
9 requirement on the education level. So what experience,
10 language, age of the applicant. But you must provide the new
11 source of fund, which is half a million U.S. dollars.

12 Q You're aware that it was found that you had falsified an
13 affidavit --

14 MS. ARFA: Objection.

15 THE COURT: Sustained.

16 MR. GOLDBERGER: Let me finish my question.

17 THE COURT: Sustained.

18 Let's have a quick sidebar.

19 (Continued on the next page.)

20 (Sidebar conference.)

SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 THE COURT: I'm concerned about your phrasing. It's
3 just like saying you had falsified, to the extent that she has
4 knowingly done so, or that leads to evidence has been
5 disclosed that the answers were false or some of the answers
6 were false. But her knowing that they were false, I don't
7 think there's evidence they were found to be false.

8 MR. GOLDBERGER: She can say no.

9 THE COURT: Well --

10 MR. GOLDBERGER: She can say no.

11 We have a good faith basis that she falsified the
12 application.

13 THE COURT: You said that it was found that it was
14 falsified.

15 MR. GOLDBERGER: Isn't that what we just read?

16 THE COURT: What is the actual --

17 MS. ARFA: It was the complaint -- I'm sorry, the
18 search warrant in the case in another district in which there
19 are allegations that there was information contained that was
20 false. There's no allegation that she knowingly falsified it.

21 THE COURT: Or any findings. Hang on a second.
22 There's no finding that she falsified information. That's
23 what you're saying. The agent represented that information in
24 her application was false.

25 I just don't want you to overstate it, because we're

SIDEBAR CONFERENCE

1 doing this with someone who is not a native English speaker.

2 And to be honest, I'm worried that some of the things might

3 get lost in translation, because I'm hearing about remembering

4 what is known.

5 I don't know what was actually said, but I have a

6 little concern in the context of the questions that things can

7 get lost in translation.

8 Just rephrase the question, isn't it true that there

9 was at least an allegation that you made false representations

10 in the affidavit versus saying it was found that you had,

11 which is not true, and I think that nuance can get lost in

12 translation in the question to her.

13 (End of sidebar conference.)

14 (Continued on the next page.)

LIU - CROSS - MR. GOLDBERGER

1 (In open court; Jury present.)

2 THE COURT: So sustained on that objection. Ask
3 another question.

4 CROSS-EXAMINATION (Continued)

5 BY MR. GOLDBERGER:

6 Q Are you aware that there was an allegation that you gave
7 false information and that you allowed a false filing of an
8 application in regard to your EB-5 application?

9 A Are you talking about me --

10 MS. ARFA: Objection.

11 THE COURT: Sustained. No commentary necessary.

12 Answer the question, if you can.

13 THE INTERPRETER: Can you please repeat the question
14 again.

15 Q You are aware, are you not, that there was an allegation
16 that you filed a false application or gave false information
17 with regard to your EB-5 filing?

18 A I don't know there's such allegation.

19 Q Did you have a lawyer that helped you with the EB-5
20 application?

21 A Yes, I entrusted the lawyer.

22 Q All right. And did you know that he got into trouble
23 over that application?

24 MS. ARFA: Objection.

25 THE COURT: Overruled.

LIU - CROSS - MR. GOLDBERGER

1 A I know that.

2 Q And you're not aware that the reason he got into trouble
3 was because of the information you gave him in regard to the
4 filing?

5 MS. ARFA: Objection.

6 THE COURT: Sustained as to form.

7 Q Did you speak to the lawyer that you hired to help with
8 you the EB-5 application and give him information that would
9 go in to the EB-5?

10 A When I was in China, I engaged a lawyer by the name of
11 Chen Da to submit the application. All the information I
12 provided to him was true.

13 Q Are you aware the lawyer got into some trouble over that
14 application?

15 MS. ARFA: Objection.

16 THE COURT: Sustained. Asked and answered.

17 So, folks, let's do this. I know you're in the
18 middle of your cross, but let's take our lunch break now and
19 you can resume, Mr. Goldberger, after the lunch break.

20 So, ladies and gentlemen, you have until 2:00 for
21 your lunch. We'll see you then.

22 Don't talk about the case. Don't do any research.
23 Keep an open mind, and have a terrific lunch.

24 THE COURTROOM DEPUTY: All rise.

25 (Jury exits the courtroom.)

1 THE COURT: The witness can step down.

2 (The witness steps down.)

3 THE COURT: Have a seat, everyone.

4 So, folks, I need you clear out the left side, the
5 side closest to the jury of each of your tables, because I
6 have a 1:00 criminal matter that's going to take some time.

7 One housekeeping matter, though. I don't believe
8 we've sworn in either the government's interpreters who have
9 been used for the Chinese-speaking witnesses, and I don't know
10 if we have to swear them in, but rather, at least, we should
11 get their names on the record, and then I will confirm with
12 the government that they're both court-certified translators;
13 is that right?

14 MS. ARFA: They are.

15 THE COURT: Can you tell us their names so we can
16 put it on the record?

17 MS. ARFA: Florence Ng, N-G.

18 And Nancy Wu, W-U.

19 THE COURT: Okay, Nancy Wu is very familiar with us
20 here, so...

21 So those are the two government translators that
22 have been used so far, both of whom are court certified.

23 MS. ARFA: Yes, Your Honor.

24 THE COURT: Okay. Thank you.

25 All right, so everyone's excused until 2:00.

1 MR. HEEREN: Your Honor, can I clarify one thing
2 that I think is one of the sources of the government's
3 objection.

4 The statement about the reason why the lawyer was
5 charged is not accurate. The charges in the complaint and the
6 sentencing don't have anything -- don't say anything specific
7 about this witness' EB-5 application. It is about other
8 applications.

9 THE COURT: Well, right now it's really just what
10 this witness believed, to some extent. The defense is allowed
11 to probe the truthfulness of her denial that she provided any
12 false information.

13 Whether that lawyer got in the trouble for her
14 application or another one isn't really the issue, it's more
15 that did she knowingly provide information to her lawyer that
16 was false, and I guess to some extent knowing that her
17 attorney got in trouble or believed that her attorney got in
18 trouble for an application may help the jury decide whether or
19 not her denial is correct or not.

20 MR. HEEREN: I guess it's that last part that I have
21 a concern about, which is I don't believe it's accurate that
22 the lawyer got in trouble for her application.

23 That's not what she was charged with, and she
24 doesn't -- by asking the question with that supposition in it,
25 and saying how much did you know about what she got charged

1 for your application, is presuming before the jury that
2 there's something specific with her application that was in
3 fact wrong.

4 THE COURT: But I assume the government, in
5 preparing her, would have asked her what she knew about that
6 situation, and it seems to me you could have corrected what
7 appeared to be her misunderstanding about what he got in
8 trouble for.

9 But she's, at least, made the statement that the
10 lawyer got in trouble for her application, I think that was
11 the question --

12 MR. HEEREN: I think --

13 THE COURT: But you can clarify it on redirect.

14 MR. HEEREN: That's fine, Your Honor. I think it's
15 a little bit of a language confusion.

16 THE COURT: Yes, I have that concern. Just based on
17 some of the answers, like I said in context, I'm not sure, and
18 I'm not faulting anyone, it might just be a difference in how
19 thoughts are conveyed in different languages.

20 Some of it grammar is interesting to me. For
21 example, the introduction of the word "should" in one sentence
22 or one answer made me think that maybe it's a phrasing issue
23 that sometimes someone will say that should have happened when
24 they actually mean that is what happened.

25 But be that as it may, I'm going to leave it to the

1 government to try to clean that up.

2 If you think some sort of curative instruction is
3 necessary afterwards to simply say to the jury don't think
4 about, it's not appropriate for them to think about what
5 actually happened with the lawyer in that -- in his case, I
6 can do that, because it's really just a question of whether
7 she provided false information knowingly. Period. And some
8 of her beliefs about what happened is relevant, I think, to
9 that.

10 Okay, so let's have a break, we'll see you at 2:00.

11 (Luncheon recess.)
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1 A F T E R N O O N S E S S I O N

2 (Time noted: 2:10 p.m.)

3 (In open court; Jury not present.)

4 (The witness resumes the stand.)

5 THE COURT: Let me just go on the record for one
6 second, and this can be in front of the witness.

7 You know, because in Chinese this -- the little bit
8 of Chinese I do know, the word "ta" -- T-A for purposes of the
9 court reporter -- for describing a man or a woman.

10 So I think it might be useful for the inquisitors to
11 inquire further, because the interpreters don't have a way of
12 knowing if the witness is referring to a man or a woman
13 based -- unless it's based on the context.

14 So I think with respect to the lawyer that has been
15 discussed, there might be some confusion of gender. Just a
16 word to all of you that you may want to clarify that, because
17 of the translation issue.

18 (Pause in the proceedings.)

19 THE COURTROOM DEPUTY: All rise.

20 (Jury enters the courtroom.)

21 THE COURT: Please be seated, everyone.

22 Welcomer, ladies and gentlemen of the jury. I hope
23 had you a good lunch. We have Mr. Goldberger continuing his
24 cross-examination of the witness.

25 (Witness takes the witness stand.)

LIU - CROSS - MR. GOLDBERGER

1 **FANG LIU**, called as a witness, having been previously first
2 duly sworn/affirmed, was examined and testified further as
3 follows:

4 CROSS-EXAMINATION (Continued)

5 BY MR. GOLDBERGER:

6 Q I just want to go back to ask one or two questions about
7 when you had -- your husband's father was here.

8 You indicated, I believe to the jury, that he was
9 forced to be here by Tu Lan and whoever else associated with
10 Tu Lan; is that correct?

11 A Yes.

12 Q And he had been here with his wife two years prior to
13 that; is that correct?

14 A I said that was back in 2016, a year ago.

15 Q Okay.

16 And had you thought about, you and your husband, had
17 you thought about asking your -- his father to stay here since
18 he was being forced by the Chinese government?

19 MS. ARFA: Objection.

20 THE COURT: Overruled.

21 A We did ask him about that.

22 Q How come?

23 THE COURT: How come they asked?

24 Q No, how come you didn't ask him to stay since he was
25 being forced to do things by the Chinese government?

LIU - CROSS - MR. GOLDBERGER

1 THE COURT: Sustained.

2 Maybe you didn't hear the answer. She said, "We did
3 ask him about that."

4 MR. GOLDBERGER: Oh, okay.

5 Q And he turned down the request to stay?

6 A He said because his daughter and also his wife were in
7 the hands of Tu Lan. If he did not return, then they'll be in
8 troubles for his daughter and his wife.

9 Q Well, there were already troubles going on for him; is
10 that correct?

11 A Yes, there were troubles.

12 Q And for the rest of the family as well?

13 A He did not want his other family members to be subject to
14 other harm or bring them harm.

15 Q Let's go back, if we can to, you made an application, you
16 and your husband when you came here, for an EB-5 so that you
17 guys could stay here in the United States and invest a million
18 dollars and employ ten people in the United States; is that
19 correct?

20 A Through the regional center, we invested half a million
21 dollars. We got in ten opportunities were created or not,
22 that should be the responsibility of the regional center,
23 which was responsible for operating the project. They're
24 responsible for creating the ten jobs.

25 THE COURT: Hang on. Hang on. I think you said we

LIU - CROSS - MR. GOLDBERGER

1 got in ten opportunities. Go ahead.

2 A As the main applicant, I was responsible for ensuring the
3 half a million dollars of investments was made and it was
4 real, and it was paid in the project, and that some money
5 withdrew during the course of the project.

6 Q What year was that?

7 A Can you please clarify your question regarding which
8 year. Are you talking about which year the application was
9 made or when the investment was made?

10 Q Both, please.

11 A I submitted the material for the application to my lawyer
12 in April of 2008. And the investment for the project was
13 formally made to the California immigration regional center in
14 September of 2009.

15 Q And you and your husband have not become U.S. citizens;
16 is that correct?

17 MS. ARFA: Objection.

18 THE COURT: Sustained.

19 Q Well, what is your status right now?

20 MS. ARFA: Objection.

21 THE COURT: Sustained.

22 MR. GOLDBERGER: I'm not sure I understand, Judge.

23 THE COURT: Let's have a sidebar.

24 (Continued on the next page.)

25 (Sidebar conference.)

SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 THE COURT: The questions you're asking her are
3 irrelevant, or if they are relevant, they are for an improper
4 purpose, perhaps, I think leading to some suggestion that the
5 government is going to help them in their immigration
6 application.

7 MR. GOLDBERGER: Well, it seems like the government
8 has been helping them --

9 THE COURT: But you have no basis to say that, and
10 that's why I don't want you asking these questions to suggest
11 that without any basis.

12 MR. GOLDBERGER: First of all, Judge, I want to ask
13 questions about the fact that there's a lawsuit that's been
14 stopped.

15 I know the Court is somewhat circumspect about
16 allowing that, but the government has stopped a legitimate
17 lawsuit by coming in and saying you can't move to lawsuit
18 along.

19 THE COURT: I don't want to keep revisiting these
20 issues. I said you can ask if they perceived that they have
21 somehow been granted some benefits by the prosecution team
22 here or the government in exchange for their testimony, or in
23 general. That's what I said you could do.

24 But you keep wanting to ask questions that suggest
25 something, like an improper -- that can improperly suggest the

SIDEBAR CONFERENCE

1 government has done something.

2 MR. GOLDBERGER: On what basis is she and her
3 husband still here? I'd like to know. And why can't the jury
4 know that?

5 THE COURT: She has an EB-5 application. Why isn't
6 that a legitimate reason to stay here?

7 MR. GOLDBERGER: This is 2023. That application was
8 filed in 2008.

9 THE COURT: She didn't have to be a citizen to stay
10 here.

11 MR. GOLDBERGER: Shouldn't we be able to find that
12 out, Judge?

13 THE COURT: No, you're not going to go fishing for
14 it.

15 Is there any suggestion that the government here has
16 provided her with a benefit?

17 MR. GOLDBERGER: Yes, I think so. I think they
18 provided them with a lot of benefits. We don't know if she
19 doesn't answer the question.

20 THE COURT: Let me ask the government the question,
21 because that's where we start with all this.

22 Is the government aware of any part of the
23 prosecution team, the U.S. Attorney's Office, the FBI, helping
24 the victim in terms of her immigration process?

25 MS. ARFA: We're not.

SIDEBAR CONFERENCE

1 MR. HEEREN: No. The process is they have -- as I
2 understand it, that they currently have no status but they are
3 pending here while we do this lawsuit.

4 THE COURT: When you say "pending here", they are
5 allowed to stay here because of this prosecution?

6 MR. HEEREN: While this prosecution is ongoing.
7 There's been no final determination on their status
8 in the country, as I understand it.

9 THE COURT: You can ask her what her understanding
10 is then.

11 I mean, in terms of what her status is. I guess
12 that's fair. I mean, she may perceive that somehow you guys
13 are helping her stay here.

14 MR. GOLDBERGER: Judge, as I understand it, her
15 husband sent a thank you note to the government, some of the
16 agents, in regards to continuing to allow them to process this
17 EB-5 or whatever it is.

18 THE COURT: What was the nature of the thank you
19 note, which is, I think, being mischaracterize?

20 MR. HEEREN: I think there's a note from the
21 daughter that thanks the government for her -- related to her
22 green card.

23 THE COURT: The daughter's green card?

24 MR. HEEREN: Right. I don't believe that's
25 accurate.

SIDEBAR CONFERENCE

1 THE COURT: You can ask questions about whether she
2 perceives that somehow the government is helping her or her
3 family with respect to their immigration. You can ask that.
4 It goes to her potential bias.

5 (End of sidebar conference.)

6 (Continued on the next page.)

LIU - CROSS - MR. GOLDBERGER

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1 (In open court; Jury present.)

2 THE COURT: Sustained as to the last question, but
3 ask another questions.

4 CROSS-EXAMINATION (Continued)

5 BY MR. GOLDBERGER:

6 Q Do you understand, or do you believe that the government
7 is helping you at this point stay in the United States?

8 A I'm not sure.

9 Q Why are you not sure?

10 A I'm not sure whether the government helped me or not.

11 Q Have you discussed with your husband whether or not
12 you're getting help from the government in order to stay here
13 in the United States at this point?

14 A I don't remember there was a discussion.

15 THE COURT: Can we have a -- can we stop for one
16 moment and have a quick sidebar?

17 Can I talk to the interpreters for a second?

18 (Continued on the next page.)

19 (Sidebar conference.)

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SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 THE COURT: Folks, my apologies that I'm asking
3 this, but I want to make sure I understand, and I will
4 acknowledge that my Chinese is at the level of a two-year old.

5 But the word "ji", does it mean "no" or "remember"?
6 Because it's come up once before that I thought the answer was
7 going to be along the lines of either no or don't know, but it
8 came out as I don't remember, and I just want to make sure
9 it's being translated accurately.

10 And I know a --

11 THE INTERPRETER: If the answer was I don't
12 remember --

13 THE COURT: Hang on, W-O --

14 MS. WONG: W-O, B-U, J-I-D-E.

15 THE COURT: Wo bu jide, okay.

16 THE INTERPRETER: Is I don't remember.

17 THE COURT: If she's saying I don't know, what would
18 that be?

19 (Court reporter interrupts for clarification.)

20 THE COURT: She said another phrase, I understand.
21 So I guess it is literally I don't remember.

22 THE INTERPRETER: Which one?

23 THE COURT: Off the record a second.

24 Okay, fine.

25 THE INTERPRETER: But she changed, that's means

SIDEBAR CONFERENCE

1 either I'm not clear or I'm not sure.

2 THE COURT: Okay, all right.

3 I was little concerned because that "I don't
4 remember" seems like an odd thing to say when you're being
5 asked do you know or do you not know and it's something that
6 one would know. If that makes sense. How do you feel about
7 something and somebody says I don't remember. That seems odd.
8 Okay. It satisfies my curiosity.

9 (End of sidebar conference.)

10 (Continued on the next page.)

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LIU - CROSS - MR. GOLDBERGER

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1 (In open court; Jury present.)

2 THE COURT: Go ahead. So I think we stopped with
3 the answer is "I don't remember there was a discussion," and
4 that was in response to your question.

5 So next question Mr. Goldberger.

6 CROSS-EXAMINATION (Continued)

7 BY MR. GOLDBERGER:

8 Q Could you please tell me what you and your husband's
9 status is here in the United States?

10 MS. ARFA: Objection.

11 THE COURT: Sustained.

12 BY MR. GOLDBERGER:

13 Q Well, do you have status in the United States?

14 MS. ARFA: Objection.

15 THE COURT: Sustained in terms of phrasing.

16 Can you phrase it differently?

17 MR. GOLDBERGER: I don't think so.

18 THE COURT: Well, what is your belief about your
19 status in the United States?

20 MR. GOLDBERGER: Okay. I'll ask exactly what the
21 Judge just asked.

22 Q What's your belief about your status here in the United
23 States, you and your husband?

24 A I don't have a legal status.

25 THE INTERPRETER: I'm sorry, the interpreter would

LIU - CROSS - MR. GOLDBERGER

1 like to make a correction.

2 A We do have legal status.

3 Q What's the legal status you have?

4 A I live and work legally in the U.S.

5 Q Who told you that?

6 A USCIS.

7 Q Have you had discussions with the prosecutors in this
8 case, whether it be Mr. Heeren or any of the other prosecutors
9 at the table, about what happens to you and your husband as a
10 result of your testimony in this trial?

11 A I don't understand -- I don't understand your question,
12 what kind of result. Can you be more specific?

13 Q Sure.

14 Are you -- let me go back and do this this way.

15 Are you concerned about your husband and your status
16 after you've finished testifying in this case?

17 A I don't think there's any relationship between our status
18 and whether we testify here or not.

19 Q Have you asked the government prosecutors about whether
20 or not you will get help with your status after the case is
21 over?

22 A What kind of help?

23 Q Help with staying in the United States.

24 A No.

25 Q Well, have you not discussed that with your husband in

LIU - CROSS - MR. GOLDBERGER

1 private?

2 A We discussed about our status, however, we did not
3 discuss about asking the prosecutors to help resolve our
4 status for appearing in court to testify.

5 Q All right, so who -- if you haven't discussed it with the
6 prosecutors, have you discussed it with any agents or
7 employees of the immigration service?

8 THE COURT: Sustained. Discuss what?

9 MR. GOLDBERGER: Discuss the issue of her continuing
10 status after this case is over.

11 THE COURT: With immigration authorities?

12 MR. GOLDBERGER: Yes.

13 THE COURT: Okay, if you can answer that question.

14 A No.

15 (Continued on the following page.)
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Liu - cross - Goldberger

1 (Continuing.)

2 BY MR GOLDBERGER:

3 Q So you have not received any assurances from anybody from
4 the Government of the United States in regard to what will
5 happen to you and your husband after you testify in this
6 trial?

7 A I did not receive any assurance.

8 Q In your own mind, as you sit there now, you don't believe
9 that the United States Government is sending you back to China
10 in any way after this trial, do you?

11 MS. ARFA: Objection.

12 THE COURT: Overruled.

13 Can you answer that question?

14 A I believe the U.S. Government would not do so.

15 Q Okay.

16 A I believe the U.S. Government would investigate the truth
17 about the matter, and they would conduct the investigation
18 seriously.

19 Q Are you telling me that you don't believe that the
20 Government has already investigated the --

21 THE COURT: Sustained, sustained.

22 Q On September 4th, you and your husband were home; is that
23 correct? I'm talking about 2017 -- '18, '18, I'm sorry, 2018,
24 September 4th.

25 A Yes.

Liu - cross - Goldberger

1 Q Okay. And as we've seen in the pictures, two men came to
2 your home; is that correct?

3 A Yes, two people on September 4th.

4 Q When these two men showed up at your home, did you
5 immediately call the police?

6 A Yes, I called the FBI agent.

7 Q I'm not talking about after they put up a note. I'm
8 talking about the minute they arrived on your premises and you
9 saw these two men walking around, did you call law
10 enforcement, either the police or the FBI?

11 A Yes. I saw from the security surveillance system the two
12 men were approaching, and I also heard they were slamming on
13 the door and turning the door handle. So my husband urged me
14 to call the FBI right away, and I called the FBI.

15 Q While the men were still there?

16 A Yes.

17 Q It is true, is it not, that the FBI actually didn't come
18 to your home until September 5th, the next day?

19 A I cannot remember clearly whether they came on the 4th or
20 the 5th. But the latest would be the 5th.

21 Q Well, when you talked to the FBI on the 4th, you said you
22 made the phone call, were you instructed not to touch the note
23 that had been left on the door?

24 A I was instructed to take a picture of the note, and also
25 wear the gloves to take down the note, and also keep it safely

Liu - cross - Goldberger

1 and wait for them to pick it up.

2 Q They told you that it was okay for you to handle the note
3 physically?

4 A They told me to wear a pair of gloves and then take down
5 the note.

6 Q Was there more than one note that was left?

7 A There was also a piece of crumpled paper from near the
8 walkway.

9 Q Did you pick up that piece of paper?

10 A I did not.

11 Q Well, had you seen one of the men throw that piece of
12 paper?

13 A Yes, I saw that in the video recording system.

14 Q Okay. Now, it's clear, is it not, that one of the men
15 came back the next day and was there for a brief time and went
16 to the front door; is that correct? On September 5th, so
17 there's no misunderstanding.

18 A Yes.

19 Q And the note was still on the door.

20 A No.

21 Q The FBI hadn't gotten there yet by the time he was there,
22 correct?

23 MS. ARFA: Objection.

24 THE COURT: Sustained.

25 Q Are you saying that the FBI got there before the man came

Liu - cross - Goldberger

1 back the next day?

2 MS. ARFA: Objection.

3 THE COURT: Sustained.

4 I think you may not have remembered her testimony.

5 She said, as I recall, she took it down with the gloves.

6 MR. GOLDBERGER: Yes, but -- all right.

7 Q Did you put the note back up on the door after you took
8 it down and photographed it?

9 A No.

10 Q So you're saying when the man came back the next day and
11 came to your door, he didn't take anything with him; he just
12 went up to the door and then he left?

13 A Yes, it seems like that according to the video footage.

14 Q Are you saying that the FBI was there before the man came
15 back or after the man came back?

16 A I have been saying that I don't remember whether the FBI
17 came on the 4th or the 5th of September, but this man came
18 back at around 9 a.m. on September 5th.

19 Q Well, do you remember what time the FBI came either on
20 the 4th or the 5th?

21 MS. ARFA: Objection. Asked and answered.

22 THE COURT: Overruled.

23 Just one more time to see if we can clear this up.

24 Go ahead.

25 A I don't remember.

1 MR. GOLDBERGER: No other questions.

2 THE COURT: Thank you.

3 Mr. Lustberg?

4 MR. LUSTBERG: Thank you, Your Honor. Just a few.

5 CROSS-EXAMINATION

6 BY MR. LUSTBERG:

7 Q Good afternoon, Ms. Liu. My name is Larry Lustberg, and
8 I represent a gentleman named Michael McMahon.

9 MR. LUSTBERG: Mr. McMahon, if you could just stand
10 up.

11 (Mr. McMahon stands.)

12 Q Have you ever met Mr. McMahon before?

13 A No.

14 Q Have you ever seen him before?

15 A No.

16 Q Okay. It's true, isn't it, that your home that we've
17 seen all the pictures of today is owned by J Lifetime LLC,
18 correct?

19 A Yes.

20 Q And the managing member of J Lifetime LLC is your sister,
21 correct?

22 A Yes.

23 Q And that's the sister that lives at the Short Hills
24 address, correct?

25 A Yes.

Liu - Cross - Lustberg

1 Q You testified earlier about certain mail that was sent to
2 your sister in Short Hills. Do you remember that?

3 A Yes. There were mail and letters from China.

4 Q And that mail and messages were intended for you and your
5 husband, right?

6 A The content of them should involve my husband, yes.

7 Q And your sister living in Short Hills passed those along
8 to you at your residence in Warren, correct?

9 A No. No, my younger sister returned most of the mail to
10 the sender.

11 Q Did she send any of it to you?

12 A She sent me a photo of the mail to me, and I reported
13 that to the FBI agent.

14 Q Fair enough. So she received the mail and she sent you a
15 picture of it?

16 A Yes.

17 Q And that's how you know, from the content, that it
18 involved your husband, correct?

19 A No, that was not regarding the picture that was taken of
20 the mail. My sister did send the first letter to my husband,
21 and my husband opened it. However, we did not open the
22 subsequent mail. And the photo that was taken of that letter
23 was from one of the subsequent mails, and it was given or
24 reported to the FBI agent.

25 Q Okay. Just to be clear, I thought you said that that

Liu - Cross - Lustberg

1 photo was also sent from your sister to you and your husband,
2 right?

3 A No. My younger sister took a picture of that letter and
4 send it to me, and I send it to the FBI agent.

5 Q Okay. Thank you.

6 Just one last question, which is: You testified
7 that in April 2015 you learned about Operation FOXHUNT; is
8 that right?

9 A I know that I was on the rep notice. However, I wasn't
10 sure whether at that point it was called Operation FOXHUNT or
11 not. My understanding of the Operation FOXHUNT happened
12 afterwards.

13 Q Okay. When did you learn about something called
14 Operation FOXHUNT?

15 A I don't remember clearly, but I think it will be after
16 April 2015.

17 Q I'm sorry. After?

18 A After April 2015.

19 Q Okay. And you learned about it because, I think you
20 testified before, because your husband told you about it?

21 A No, I learned about what FOXHUNT Operation was about
22 through the media.

23 Q Through Chinese media?

24 A Both Chinese and English ones.

25 Q Pardon me?

Liu - Cross - Lustberg

1 THE INTERPRETER: Both Chinese and English ones.

2 Q Do you remember where you first saw it in English media?

3 A I cannot remember which time it was, but I did see in the
4 report, media report that the U.S. Government has taken action
5 regarding the FOXHUNT Operation.

6 Q And when was that?

7 A I cannot remember clearly.

8 Q And how about Operation SKYNET, have you heard of that?

9 A Based on my understanding, the nature of this operation
10 should be the same as the FOXHUNT Operation.

11 Q When did you learn about Operation SKYNET?

12 A I cannot remember clearly.

13 Q Thank you.

14 MR. LUSTBERG: Thank you very much. No further
15 questions.

16 THE COURT: Thank you.

17 Mr. Tung?

18 CROSS-EXAMINATION

19 BY MR. TUNG:

20 Q Ms. Liu, my name is Kevin Tung. I'm the defense attorney
21 for Yong Zhu.

22 MR. TUNG: Mr. Yong Zhu, can you stand up?

23 (Mr. Zhu stands.)

24 Q Ms. Liu, have you ever seen Mr. Yong Zhu appearing at
25 your properties either in Warren or Short Hills?

1 A No.

2 Q Do you know that person who just stand up, Mr. Yong Zhu?

3 Do you know that person?

4 A I don't know him.

5 Q Ms. Liu, this morning you testified -- withdrawn.

6 Ms. Liu, are you familiar with a property located at
7 335 Long Hill Drive, Short Hill, New Jersey?

8 A Yes, that's my younger sister's home.

9 Q And when you say your sister, you're referring to your
10 sister Yan Liu, right?

11 A Yes.

12 I would like to supplement that. That was the home
13 where I -- my younger sister, Liu Yan, used to live.

14 Q Were you and your husband ever own the property at the
15 335 Long Hill Drive, Short Hill, New Jersey?

16 A No.

17 Q Did you ever transfer -- withdrawn.

18 Do you know from whom your sister purchased the
19 property at the 335 Long Hill Drive, Short, New Jersey?

20 MS. ARFA: Objection.

21 THE COURT: Overruled.

22 Do you know?

23 A I don't know.

24 Q You never transfer the property at the 335 Long Hill
25 Drive, Short Hill, to your sister?

Liu - Cross - Tung

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1 MS. ARFA: Objection.

2 THE COURT: Overruled.

3 A No, I never owned this 335 Long Hill Drive property.

4 Q Was that property ever owned under the title J -- the
5 company's name is -- I'm sorry. Withdrawn.

6 Are you familiar with a company by the name of
7 J Lifetime?

8 A I know that.

9 Q Do you have any interest in this company?

10 MS. ARFA: Objection.

11 THE COURT: Overruled.

12 A No.

13 Q What about your husband?

14 A No.

15 Q Do you know if J Lifetime transferred the property at 335
16 Long Hill Drive, Short Hill, New Jersey, to your sister?

17 MS. ARFA: Objection --

18 THE COURT: Sustained.

19 MS. ARFA: -- relevance.

20 THE COURT: Sustained.

21 Q Ms. Liu, before you came to the United States, what did
22 you do to earn a living in China?

23 MS. ARFA: Objection.

24 THE COURT: Sustained.

25 Q Ms. Liu, do you know, before your husband came to the

1 United States, what he do to earn a living?

2 MS. ARFA: Objection.

3 THE COURT: Sustained.

4 MR. TUNG: Objection? Was that sustained?

5 THE COURT: Yes.

6 Q Ms. Liu, this morning you testified that you tried to
7 make a new life in the United States. What do you mean by
8 that?

9 A I did not say that I'm going to start a new life in the
10 U.S.

11 Q Are you currently working in the United States?

12 MS. ARFA: Objection.

13 THE COURT: Overruled.

14 A Yes.

15 Q What is it?

16 A We are self-employed.

17 Q Do you have a company?

18 MS. ARFA: Objection.

19 THE COURT: Let's have a sidebar.

20 (Sidebar.)

21 (Continued on next page.)

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1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: Mr. Tung, what is your relevance to all
4 these questions about what she did for a living, before which
5 I had already expressly said you shouldn't get into, or your
6 co-counsel shouldn't get into, and what she does for a living
7 now?

8 MR. TUNG: I just want to find out how they're going
9 to pay for their lives. I mean, they have beautiful houses
10 and they do not work.

11 THE COURT: That's not relevant to this case, so I'm
12 going to continue to sustain the objections.

13 MR. TUNG: All right.

14 THE COURT: All right. Let's go.

15 (Sidebar ends.)

16 (Continued on next page.)
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Liu - Cross - Tung

1 (In open court; continuing.)

2 THE COURT: I'm going to actually strike the last
3 two answers about what this witness is doing and what her
4 husband is doing for a living here.

5 So strike, disregard those answers, folks.

6 Ask your next question, Mr. Tung.

7 BY MR. TUNG:

8 Q Ms. Liu, you testified earlier that you were aware of the
9 Operation FOXHUNT program, right?

10 A Yes.

11 Q And you also testified currently, if I'm wrong in your
12 testimony, you also testified just that this is a program
13 initiated by the Chinese Government to try to repatriate
14 oversea Chinese back to China. Am I accurate when I describe
15 this? Is that your understanding?

16 A Can you please repeat your question again?

17 Q Is that your understanding, that the Operation FOXHUNT
18 program initiated by the Chinese Government for the purpose to
19 repatriate oversea Chinese back to China?

20 A Yes.

21 Q And I remember you also said in the morning that
22 operation, the people in the Chinese Government through the
23 Operation FOXHUNT, they're looking for, including both of
24 those categories, people who hold a different political view,
25 and people who committed economic crimes, right?

1 A My understanding of Operation FOXHUNT is that that
2 program was carried out under the name of anticorruption. It
3 was to force overseas Chinese to return to China, and among
4 them, some of these people hold different political views.

5 Q So, in other words, the target the Chinese are looking
6 for in those two categories, one is the Chinese claim they
7 have committed corruptions, and the other group is people
8 holding different political views, right?

9 MS. ARFA: Objection.

10 THE COURT: Sustained, sustained.

11 I think you're mischaracterizing her testimony.

12 Q So, Ms. Liu, the people, the target you're describing --
13 withdrawn.

14 You also testified today, right, you said you became
15 the target for the Chinese Operation FOXHUNT program, right?

16 A Yes.

17 Q And that was true for your husband, right?

18 A Yes.

19 Q To your belief, which category --

20 MS. ARFA: Objection.

21 THE COURT: Sustained.

22 Again, I think you're mischaracterizing her
23 testimony by dividing things into categories. But just ask
24 another question.

25 Q Will you consider you are a group people who holds

1 different political views from the Chinese Government?

2 MS. ARFA: Objection.

3 THE COURT: Overruled.

4 Are you referring to her and her husband?

5 MR. TUNG: Yeah, both.

6 Q What I mean "you," meant both of you.

7 A I believe my husband became the target of the Chinese
8 Government because he is upright and he believes in justice
9 and he opposed a principle and he did not want to do any harm
10 to the interest of the people and he did not want to violate
11 the laws, and he upset those in power. That's why he was
12 being persecuted and retaliated against. And I became the
13 target of the Chinese Government simply because I'm the wife
14 of the target and I have been implicated.

15 Q So, in other words, your husband does not hold a
16 different political view from the Chinese Government; in fact,
17 he supports that etiology, right?

18 MS. ARFA: Objection.

19 THE COURT: Sustained.

20 MR. TUNG: No further questions.

21 THE COURT: Okay. Thank you, Mr. Tung.

22 Any redirect?

23 MS. ARFA: Yes, your Honor.

24 THE COURT: Go ahead.

25

Liu - Redirect - Arfa

1 REDIRECT EXAMINATION

2 BY MS. ARFA:

3 Q Good afternoon, Ms. Liu.

4 A Good afternoon.

5 Q As far as you know, did your EB-5 application contain any
6 false information?

7 A No.

8 Q As far as you know, did you write or sign anything in
9 connection with your EB-5 application that was not true?

10 A No.

11 Q Has the Government offered you any benefit regarding your
12 immigration status?

13 A No.

14 Q Has the Government promised you any benefit or any help
15 regarding your immigration status?

16 A No.

17 Q Has the Government promised you any particular result
18 regarding your immigration application?

19 A No.

20 Q Has your immigration status influenced your testimony
21 here today?

22 A No.

23 Q Was your testimony today influenced by any benefit you
24 believe you received from the Government?

25 A No.

Liu - Recross - Goldberger

1 Q Has your testimony today been truthful?

2 A Yes. All I said was the truth.

3 Q Why are you testifying today?

4 A I hope that I can let people know about the truth about
5 what happened to me.

6 MS. ARFA: No further questions.

7 THE COURT: Any recross?

8 Mr. Goldberger?

9 MR. GOLDBERGER: Yes, very briefly.

10 RECROSS EXAMINATION

11 BY MR GOLDBERGER:

12 Q Ma'am, you've been here with your husband now since,
13 what, 2008 or '10; is that correct?

14 A Since 2010.

15 Q And you still have no status at all; is that correct?

16 MS. ARFA: Objection.

17 THE COURT: Overruled.

18 If you can answer that.

19 A I have the status in the U.S. to work legally and to live
20 here legally.

21 Q That would mean that your EB-5 had been granted; is that
22 correct?

23 MS. ARFA: Objection.

24 THE COURT: Sustained.

25 Q What's your immigration category right now, as you

1 understand it?

2 MS. ARFA: Objection.

3 THE COURT: Overruled.

4 What is your belief about your immigration status or
5 category?

6 THE INTERPRETER: The interpreter would like to
7 clarify a term with the witness.

8 A Pending case for EB-5.

9 Q For 13 years?

10 MS. ARFA: Objection.

11 THE COURT: Sustained.

12 MR. GOLDBERGER: No further questions.

13 THE COURT: All right.

14 MR. LUSTBERG: We're good, Your Honor. Thank you.

15 THE COURT: Mr. Tung?

16 MR. TUNG: No further questions.

17 THE COURT: All right.

18 Thank you. You may step down.

19 (Witness exits the stand.)

20 MS. ARFA: Your Honor, may we just have one moment?

21 THE COURT: Yes, go ahead.

22 (Discussion held off the record.)

23 THE COURT: If you could remain standing next to the
24 witness stand, we'll swear you in.

25 MS. ARFA: Your Honor, the Government calls Greg

Thomas - Direct - Arfa

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1 Thomas.

2 THE COURTROOM DEPUTY: Please raise your right hand.

3 (Witness sworn.)

4 THE COURTROOM DEPUTY: Thank you. Have a seat.

5 State and spell your name for the record.

6 THE WITNESS: Gregory R. Thomas; G-R-E-G-O-R-Y,

7 middle initial R, last name Thomas, T-H-O-M-A-S.

8 THE COURT: You may inquire, Ms. Arfa.

9 (Continued on next page.)

10 GREGORY R. THOMAS, called as a witness, having been first duly
11 sworn/affirmed, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. ARFA:

14 Q Good afternoon.

15 Are you currently employed?

16 A Yes, ma'am. I am currently employed with the Federal
17 Bureau of Investigation.

18 Q Is that also referred to as the FBI?

19 A Yes, ma'am.

20 Q What is your title?

21 A I am currently a Special Agent with the FBI.

22 Q What are your responsibilities in that position?

23 A I am currently assigned to the counterintelligence
24 division at FBI headquarters, where I am the Senior Liaison
25 Officer to the Department of Homeland Security representing

Thomas - Direct - Arfa

1 the Bureau on counterintelligence matters.

2 Q For how long have you worked for the FBI?

3 A Approximately 16 years.

4 Q What was your position as of October 2020?

5 A I was a Special Agent assigned to the FBI Newark
6 Division.

7 Q I would like to direct your attention to October 28,
8 2020. Were you working that day?

9 A Yes, I was.

10 Q What was your assignment that day?

11 A I was assigned as an arrest team member effecting the
12 arrest of Mr. Yan Zhu in FBI -- excuse me, in Elmhurst,
13 Queens, New York.

14 Q Do you know whether that individual went by any other
15 names?

16 A Jason Zhu.

17 Q Around what time was Mr. Zhu arrested?

18 A Approximately 6:15.

19 Q Following his arrest, did he agree to a voluntary
20 interview?

21 A Yes, he did.

22 Q Following his arrest, was he, in fact, interviewed?

23 A Yes, he was.

24 Q Was anyone present at the interview other than yourself
25 and Mr. Zhu?

Thomas - Direct - Arfa

1 A Yes. The Special Agent with the FBI, Christopher Bruno,
2 as well as an FBI linguist.

3 Q Where was the interview conducted?

4 A At the FBI's office in Brooklyn/Queens, in Kew Gardens.

5 MS. ARFA: May I show the witness an exhibit for the
6 witness only on the ELMO, please.

7 THE COURT: All right.

8 THE COURTROOM DEPUTY: Which exhibit?

9 MS. ARFA: I apologize. It's GX 703 and GX 703-C.

10 Q So let me begin with GX 703. Do you recognize this?

11 A Yes.

12 MS. ARFA: I'm just going to ask you to pull the
13 microphone a little bit closer.

14 THE WITNESS: Yes.

15 THE COURT: You can move the microphone. The seat
16 doesn't move, but the microphone does.

17 Q What is it?

18 A This is a drive with the whole interview which was
19 recorded both with video and audio that I reviewed, which I
20 can tell from my initials placed on that drive.

21 Q Is that also the date on which you reviewed?

22 A Yes, ma'am, 5/31/2023.

23 Q Based on your review, did you recognize the contents of
24 the drive?

25 A Yes.

Thomas - Direct - Arfa

1 Q Did the contents of the drive contain a true and accurate
2 copy of the video recording of your October 28, 2020 interview
3 of Mr. Zhu?

4 A Yes.

5 Q Turning now to GX 703-C, do you recognize that?

6 A Yes, ma'am.

7 Q What is it?

8 A This is a drive of specific clips from that interview,
9 for which I reviewed and initialed on 6/2/2023.

10 Q Did this exhibit contain a true and accurate copy of an
11 excerpt from your October 28, 2020 interview of Mr. Zhu?

12 A Yes.

13 Q And does the excerpt on that drive include clips from two
14 different parts of the interview?

15 A Yes, ma'am.

16 MS. ARFA: The Government offers GX 703-C into
17 evidence.

18 MR. LUSTBERG: No objection on behalf of
19 Mr. McMahon, Your Honor.

20 MR. GOLDBERGER: No objection, Your Honor.

21 THE COURT: Mr. Tung?

22 MR. TUNG: No objection.

23 THE COURT: So 703-C is admitted.

24 (Government Exhibit 703-C, was received in
25 evidence.)

Thomas - Direct - Arfa

1 THE COURT: And you may publish it.

2 (Exhibit published.)

3 MS. ARFA: We ask to publish to the jury GX 703-E,
4 which is a version of GX 703-C that includes subtitles. We
5 previously provided GX 703-E to defense counsel along with the
6 transcript of the excerpt, which is independently marked as GX
7 703-D.

8 THE COURT: And so you want E admitted, I assume?

9 MS. ARFA: We're not offering E into evidence. This
10 is merely to assist in the presentation of the evidence for
11 the benefit of the jury.

12 THE COURT: Okay. So you're going to publish 703-E,
13 am I correct, but not seek to admit it?

14 MS. ARFA: Yes, your Honor.

15 THE COURT: Okay.

16 So let me clarify, ladies and gentlemen of the jury,
17 what's going to happen is the Government is going to show you
18 excerpts from this interview, but a version that contains
19 subtitles, simply as an aid to you in listening to the
20 audiotaped interview.

21 But remember that it's your hearing of what is said
22 on the audio that governs here. So if it differs from the
23 subtitle, go with your own hearing of the interview itself.

24 MR. TUNG: Defense received People's Exhibit --
25 Government Exhibit 703-D instead of E.

1 THE COURT: You're holding a piece of paper. I
2 think it's a video that has subtitles that they are referring
3 to and was provided to you before, I assume on a flash drive?

4 MS. ARFA: It was provided by the electronic file
5 sharing system, Your Honor.

6 THE COURT: So this is a digital piece of evidence
7 that you would have received through the computer.

8 MR. TUNG: Okay.

9 THE COURT: Okay. So 703-E is going to be shown to
10 the jury and contains what is simply an aid to the jury's
11 listening, namely subtitles.

12 Go ahead. And 703-C had been admitted.

13 MS. ARFA: Thank you, Your Honor.

14 (Audio/video is played.)

15 (Continued on next page.)
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THOMAS - CROSS - MR. TUNG

1 (Continuing.)

2 (Video recording played.)

3 (Video recording stopped.)

4 MS. ARFA: No further questions.

5 THE COURT: Thank you.

6 Cross-examination, Mr. Lustberg?

7 MR. LUSTBERG: Nothing.

8 THE COURT: Mr. Tung, do you want to go first?

9 MR. LUSTBERG: Nothing here, Judge.

10 THE COURT: Thank you, Mr. Lustberg.

11 MR. GOLDBERGER: No questions.

12 THE COURT: Then, Mr. Tung.

13 CROSS-EXAMINATION

14 BY MR. TUNG:

15 Q Sir, isn't it true when that interview was taking place,
16 no attorney was present --

17 MS. ARFA: Objection.

18 Q -- right?

19 MS. ARFA: Objection, sorry.

20 THE COURT: No, I heard your objection.

21 Q I'm only asking whether or not there was an attorney
22 there, I'm not asking --

23 THE COURT: No, no, I understand the question.

24 Overruled.

25 Was an attorney present?

THOMAS - CROSS - MR. TUNG

1 THE WITNESS: No.

2 Q Do you agree with me when Mr. Zhu was answering those
3 questions he didn't have a chance to consult with an attorney,
4 right?

5 MS. ARFA: Objection.

6 THE COURT: Overruled. And the government can
7 obviously redirect on this subject. Go ahead.

8 A That is not true. Mr. Zhu was advised of his rights to
9 have an attorney present. We did that all verbally through
10 the translator that was present as well as advised Mr. Zhu via
11 a hard copy in written form of those rights in his native
12 language for which he reviewed and subsequently signed waiving
13 those rights so that we could conduct said interview.

14 Q Actually, sir, that was not my question. My question
15 just state a fact, when he answer --

16 THE COURT: Sustained. Sustained. He answered your
17 question. Let's move on, Mr. Tung.

18 Q Do you agree with me --

19 THE COURT: You know what? Mr. Tung, let's have a
20 sidebar.

21 (Continued on the next page.)
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1 (The following occurred at sidebar.)

2 THE COURT: So to begin with, the reason I sustained
3 the objection when you started to ask again about an
4 opportunity to consult with a lawyer, is the word
5 "opportunity" is broader than you're attempting to get the
6 agent to construe it. So he appropriately answered the
7 question of we advised him that he could consult with an
8 attorney --

9 MR. TUNG: Fine, but --

10 THE COURT: Hang on, hang on, i.e. he had the
11 opportunity, but he declined it. But furthermore what I don't
12 want to have happening -- and it's clear to me that you're
13 going in this direction -- you cannot open this whole notion
14 about him having waived his rights voluntarily, I've already
15 ruled on that.

16 MR. TUNG: No, your Honor, that is not my question.
17 My intention I tried to do a comparison, as I said before, if
18 someone gives an answer without no attorney -- before he never
19 talked to an attorney, then his natural response might more be
20 truthful, that's what I'm saying, and never been coached.
21 That's all I'm saying, Judge. I'm not disputing whether or
22 not he had the right to give -- I mean, that's already decided
23 all over the case.

24 All I'm saying, my question is towards let the jury
25 to see when he answers the question he is not being told what

1 to answer, it's all from his natural response.

2 THE COURT: But the problem is you're suggesting
3 something quite different to the jury. You're suggesting that
4 somehow the government --

5 MR. TUNG: No.

6 THE COURT: -- hang on.

7 -- ran roughshod over his rights and --

8 MR. TUNG: No, no.

9 THE COURT: Well, that's clearly the implication
10 here --

11 MR. TUNG: No.

12 THE COURT: -- sort of your logic is not --

13 MR. TUNG: No.

14 THE COURT: Hang on a second.

15 -- intuitive an inference and so if you want to ask
16 a question, did he waive his right to have an attorney
17 present, then he can answer that question yes. So, therefore,
18 there was no attorney present. Fine, you've established that
19 fact and we're done, but I don't want you giving any
20 suggestion that somehow --

21 MR. TUNG: Okay, fine.

22 THE COURT: -- agents ran over his Constitutional
23 rights, they did not and we've already been down that road
24 before.

25 MR. TUNG: No, that was not my intention here.

SIDEBAR CONFERENCE

1 THE COURT: Okay.

2 MS. ARFA: Your Honor, to be clear, I understood
3 Mr. Tung to be saying he wanted to ask questions about the
4 likelihood that it's a truthful answer because of the absence
5 of an attorney which I think is beyond the scope of this
6 witness' --

7 THE COURT: Well, right, you can't opine about that,
8 you just want make that argument --

9 THE COURT REPORTER: Sir, please.

10 THE COURT: Yes, please, everyone has to contain
11 themselves.

12 You can make that argument later but you can't ask
13 the witness that question, isn't it true that people are more
14 truthful when a lawyer is not present. You can make that
15 argument later and, quite honestly, you asked the question and
16 established already that no lawyer was present.

17 Again, I just don't want you to mislead the jury in
18 to thinking somehow he wasn't offered even though his right to
19 an attorney was not honored, which it was --

20 MR. TUNG: Understood.

21 THE COURT: -- so if anything I want you to -- you
22 can ask, did he waive his right to an attorney and so no
23 attorney was present. That's the only question I want you to
24 ask, but don't ask are people more truthful when no lawyer is
25 present. That's your argument if you want to make it.

SIDEBAR CONFERENCE

1 MR. TUNG: All right.

2 THE COURT: Okay? All right.

3 (End of sidebar conference.)

4 (Continued on the next page.)

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THOMAS - CROSS - MR. TUNG

1 (In open court.)

2 BY MR. TUNG:

3 Q Sir, you just testified that Mr. Zhu waived -- withdrawn.
4 Sir, you just testified that Mr. Zhu was given an opportunity
5 to obtain his attorney of his choice, right?

6 A We advised Mr. Zhu of his rights.

7 Q And he waived his right to have an attorney before he
8 talks to you, right?

9 A He signed in the form which waived his rights to allow us
10 to conduct the interview.

11 Q So the answers that he was -- the answers he gave to the
12 FBI agents at the time of the interview was not directed or
13 coached by any attorneys?

14 MS. ARFA: Objection.

15 THE COURT: Sustained. Sustained.

16 Beyond the scope of this witness' knowledge.

17 Q So the answers Mr. Zhu gave to the FBI agents was not
18 consulted to an attorney --

19 MS. ARFA: Objection.

20 THE COURT: Sustained.

21 Q -- even though he had the right --

22 THE COURT: Sustained. Mr. Tung, we had this
23 discussion. I think you've gotten what you want and let's
24 move on.

25 MR. TUNG: Okay. I have no further questions.

THOMAS - REDIRECT - MS. ARFA

1 THE COURT: Thank you. Any redirect?

2 MS. ARFA: Yes, your Honor.

3 THE COURT: Go right ahead.

4 All right, Ms. Afra, go ahead.

5 REDIRECT EXAMINATION

6 BY MS. ARFA:

7 Q May we show the witness only what has previously been
8 marked as GX703B.

9 Do you recognize this?

10 A Yes.

11 Q What is it?

12 A This is our standard Miranda form in the Mandarin
13 language for which we provided to Mr. Zhu prior to conducting
14 the interview, which advises him of his rights. After which
15 he signed waiving those rights in witness of myself and
16 Special Agent Bruno.

17 Q To the extent much of the document is in Chinese, how do
18 you recognize what it is?

19 A This is our standard form -- thank you for the zoom --
20 FD3954A, which is our standard advice of right form that we
21 utilize for the FBI. This version is the Chinese simplified
22 character version which we provided to Mr. Zhu.

23 MS. ARFA: Would you scroll down please.

24 Q Do you recognize those signatures?

25 A I do.

THOMAS - REDIRECT - MS. ARFA

1 Q What do you recognize?

2 THE COURT: Did you sign it?

3 THE WITNESS: Yes, your Honor.

4 THE COURT: Go on.

5 Q Is this a true and accurate copy of the signed waiver of
6 rights form?

7 A Yes.

8 MS. ARFA: The government offers GX703B into
9 evidence.

10 THE COURT: Mr. Tung, any objection?

11 MR. TUNG: No objection.

12 THE COURT: It is admitted. It's 703B.

13 (Government Exhibit 703B, was received in evidence.)

14 MS. ARFA: May we publish to the jury please?

15 THE COURT: You may.

16 (Exhibit published.)

17 MS. ARFA: I'd ask that you, Ms. McMahon, please
18 call out the signatures on the bottom.

19 (Exhibit published.)

20 MS. ARFA: No further questions.

21 THE COURT: Thank you, Ms. Afra.

22 Any recross, Mr. Tung, based on that very limited
23 redirect?

24 MR. TUNG: No, your Honor.

25 THE COURT: Thank you. You may step down. Thank

1 you very much, Agent.

2 (The witness was excused.)

3 THE COURT: Call your next witness government.

4 MS. CHEN: Your Honor, the government calls Eungee
5 Hwang.

6 THE COURT: Let's take our break now. I lost track
7 of time, so be ready to go again at 10 of four everyone.

8 THE COURTROOM DEPUTY: All rise.

9 (Jury exits courtroom.)

10 THE COURT: Folks you have 15 minutes, 10 of four,
11 be ready to go again.

12 (Recess.)

13 MS. CHEN: Do you want us to bring in the witness?

14 THE COURT: Yes, thank you.

15 THE COURTROOM DEPUTY: All rise.

16 (Jury enters courtroom.)

17 THE COURT: Please be seated everyone. The
18 government, call your next witness.

19 MS. CHEN: Your Honor, the government calls Eungee
20 Hwang.

21 (The witness takes the stand.)

22 THE COURT: Ms. Hwang, if you rise for a minute
23 we'll swear you in.

24 (Continued on next page.)
25

HWANG - DIRECT - MS. CHEN

1 **EUNGEE HWANG**, called as a witness, having been first duly
2 sworn/affirmed, was examined and testified as follows:

3 THE WITNESS: I do.

4 THE COURTROOM DEPUTY: Thank you. Have a seat. The
5 microphone moves, as you know, close to you.

6 Please state and spell your name for the record.

7 THE WITNESS: My name is Eungee Hwang. E-U-N-G-E-E
8 H-W-A-N-G.

9 THE COURT: You may inquire, Ms. Chen.

10 MS. CHEN: Thank you, your Honor.

11 DIRECT EXAMINATION

12 BY MS. CHEN:

13 Q Good afternoon, Ms. Hwang.

14 A Good afternoon.

15 Q By whom are you employed?

16 A The New York County District Attorney's Office.

17 Q Is that district different than the U.S. Attorney's
18 Office?

19 A It is different.

20 Q What is your role and title?

21 A I'm an intelligence analyst currently assigned to the
22 U.S. Attorney's Office here at the Eastern District.

23 Q You're employed by the New York County District
24 Attorney's Office; is that right?

25 A That's correct.

HWANG - DIRECT - MS. CHEN

1 Q But you're assigned here?

2 A Yes.

3 Q Can you explain to the jury how that works.

4 A My position is funded by the New York/New Jersey HIDTA,
5 H-I-D-T-A, which stands for the High Intensity Drug
6 Trafficking Area. And so the New York County District
7 Attorney's Office is the fiduciary for the New York/New Jersey
8 HIDTA.

9 Q When you did start working in your current role?

10 A In October of 2022.

11 Q What are some of your responsibilities in this position?

12 A Generally as an analyst I assist the assistant U.S.
13 Attorneys with cases and investigations, specifically
14 pertaining the review and analysis of digital evidence.

15 Q Prior to working in your current position, what did you
16 do?

17 A I was a senior intelligence analyst at Kings County
18 District Attorney's Office.

19 Q Does Kings County cover Brooklyn?

20 A Yes.

21 Q What were your responsibilities there?

22 A In a similar analyst role, I assisted the units and
23 bureaus within the trial division and so I assisted the
24 assistant district attorneys and case detectives with cases
25 through the investigations, grand jury and trial stages also

HWANG - DIRECT - MS. CHEN

1 pertaining to the review and analysis of digital evidence.

2 Q How long were you in that position for?

3 A Approximately four and a half years.

4 Q How many phone records would you say you've reviewed
5 before?

6 A I would say over a hundred from all the major phone
7 providers.

8 Q Were you involved in the investigation of this case?

9 A To a limited extent, yes.

10 Q Beyond the review the phone records, were you involved in
11 the investigation of this case?

12 A I was not.

13 Q Did you read the indictment in this case?

14 A I did not.

15 Q Are you aware of what the defendants are charged with in
16 this case?

17 A No, I'm not.

18 Q Prior to trial, did you review what has been marked for
19 identification as Government's Exhibit 306, 308, 310A, and
20 314?

21 A I did.

22 Q Were these phone records received from phone service
23 providers?

24 A They are.

25 Q Do you recall which providers?

HWANG - DIRECT - MS. CHEN

1 A From Verizon, Sprint, Sprint/T-Mobile and T-Mobile.

2 Q Was there records from AT&T as well?

3 A There was.

4 MS. CHEN: May we publish what has been admitted as
5 Government Exhibit 201. This is a stipulation.

6 THE COURT: You may.

7 (Exhibit published.)

8 MS. CHEN: If we could go to page 2, paragraph 6.
9 I'm just going to read from this paragraph.

10 Government Exhibit 306 consists of true and accurate
11 copies of telephone records obtained from AT&T Corporation,
12 which records include toll records relating to cellular
13 telephone assigned number (646) 529-4233.

14 If we could go to paragraph 8. Paragraph eight
15 reads:

16 Government Exhibit 308 consists of true and accurate
17 copies of telephone records obtained from AT&T Corporation,
18 which records include toll records relating to a cellular
19 telephone assigned number 86 13886092011, which were produced
20 by AT&T Corporation.

21 If we could go now to the paragraph 10 which spans
22 page two and three.

23 Paragraph 10 reads:

24 Government Exhibit 310 consists of true and accurate
25 copies of telephone records obtained from T-Mobile U.S. Inc.

HWANG - DIRECT - MS. CHEN

1 including records produced on behalf of the entity formerly
2 known as Sprint, which records include toll records relating
3 to a cellular telephone number assigned number (347) 854-3118.

4 Q Ms. Hwang, is Government Exhibit 310 an archive Sprint
5 record that is included in Government Exhibit -- I'm sorry is
6 Government Exhibit 310A an archive Sprint record that is
7 included in Government Exhibit 310?

8 A Yes.

9 MS. CHEN: And if we can go now to page 3
10 paragraph 14 of this document.

11 Paragraph 14 reads:

12 Government Exhibit 314 consists of true and accurate
13 copies of telephone records obtained from Verizon Wireless,
14 which records include billing statements relating to a
15 cellular telephone assigned number (914)450-9169.

16 At this point the government moves to admit
17 Government Exhibits 306, 308, 310A, and 314.

18 MR. LUSTBERG: No objection.

19 MS. WONG: No objection.

20 MR. TUNG: No objection.

21 THE COURT: Admitted. You may publish any or all of
22 those.

23 (Government Exhibits 306, 308, 310A, and 314, were
24 received in evidence.)

25 MS. CHEN: I'm actually not going to publish them

HWANG - DIRECT - MS. CHEN

1 yet, your Honor.

2 THE COURT: All right.

3 Q Ms. Hwang, did you create a chart depicting certain phone
4 data pertaining to the phone records we just discussed?

5 A Yes.

6 Q Do you have experience creating such charts?

7 A I do.

8 Q Approximately how many times have you done this in your
9 work as an analyst?

10 A In different contexts regarding just the analysis and
11 either in versions of summary or interpreting them, I would
12 say like close to about 50 times.

13 Q Did you receive any training to do this?

14 A I did.

15 Q Can you briefly describe that training?

16 A I complete two separate trainings with ZX, which is now a
17 part of the LexisNexis Risk Solutions. So it was just a broad
18 overview training when it comes to geolocation data as well as
19 phone records and both of them were 40 hours of training each.
20 I also completed a cellular records analysis training with the
21 National White Collar Crime Center.

22 Q And the analysis that you've just been describing, is
23 that what you did here for certain phone data?

24 A Yes.

25 Q And just to be clear, did you personally seize or obtain

HWANG - DIRECT - MS. CHEN

1 any of the phone evidence in this case?

2 A I did not.

3 MS. CHEN: Your Honor, may I publish just for the
4 witness and counsel what has been premarked for identification
5 as Government Exhibit 316?

6 THE COURT: You may.

7 BY MS. CHEN:

8 Q Ms. Hwang, do you recognize this exhibit?

9 A I do.

10 Q What is it?

11 A This is one of the summary charts that I created.

12 Q Is this summary chart that you created based on the
13 records that were just moved into evidence?

14 A Yes.

15 Q Specifically, Government Exhibits 306, 308, 310A, and
16 314?

17 A Yes.

18 Q Does Government Exhibit 316 fairly and accurately
19 summarize the information included in the exhibits I just
20 listed?

21 A Yes.

22 MS. CHEN: Your Honor, at this point the government
23 offers Government Exhibit 316 into evidence.

24 MR. LUSTBERG: No objection.

25 MS. WONG: No objection.

HWANG - DIRECT - MS. CHEN

1 MR. TUNG: No objection.

2 THE COURT: Admitted. You can publish this.

3 MS. CHEN: Thank you, your Honor.

4 (Government Exhibit 316, was received in evidence.)

5 (Exhibit published.)

6 Q Ms. Hwang, can you briefly describe at a high level what
7 this exhibit shows?

8 A So this is one of the summary charts I created with the
9 focus on phone calls from the period of September 1st of 2016
10 through December 31st of 2016, and the records came in
11 different formats. So some came in an archived record format,
12 a PDF, some came in AN Excel format. They came in different
13 time zones and so the purpose of the summary chart is to
14 filter down the phone calls within a specific period and to
15 convert all the times, if needed, to be converted to convert
16 those date and times into Eastern Time and to be able to
17 review the phone calls with the phone numbers of interest in a
18 seamless format.

19 MS. CHEN: Sorry, Ms. Hwang if you don't mind
20 pulling your microphone a little bit closer. Thank you.

21 Q To be clear does this chart reflect only phone calls as
22 to other types of phone communications?

23 A Correct, only phone calls.

24 Q Would any communications that were sent or made via an
25 application be reflected on this chart?

HWANG - DIRECT - MS. CHEN

1 A No, it does not.

2 Q Why is that?

3 A So in the phone records that we would obtain from the
4 service providers that would only include either calls or SMS
5 messages that went through being sourced from the carrier's
6 cellular networks. So your third-party applications such as
7 your Facebook messenger conversations or WhatsApp
8 conversations, or messages or calls that took place on those
9 applications wouldn't be reflected in your toll or call detail
10 records.

11 Q Do you see a box in the upper left-hand corner with two
12 columns, Party Name and Phone Number?

13 A I do.

14 Q Can you explain to the jury what that box shows?

15 A So this is a sort of a key for party names and their
16 associated phone numbers as well as their respective colors.
17 And so all of the names and the phone numbers that you see are
18 the names and phone numbers that we'll see throughout this
19 specific summary chart as well as the consistent colors that
20 were assigned to the key you'll see them in this summary chart
21 as well.

22 Q And to be clear, did you choose which phone numbers to
23 focus on?

24 A No, I was provided the phone numbers.

25 MS. CHEN: If could you take that down exhibit for a

HWANG - DIRECT - MS. CHEN

1 moment.

2 May I publish just for the witness and counsel
3 what's been premarked for identification as Government
4 Exhibit 315?

5 THE COURT: All right.

6 Q Do you recognize this exhibit?

7 A I do.

8 Q What is this exhibit?

9 A This is a more zoomed in, focused on just that same exact
10 key that we saw in the summary chart.

11 Q Did you -- I'm sorry if I missed it, did you create this
12 exhibit?

13 A I did.

14 Q And in doing so did you rely on Government Exhibits 431B,
15 431H, 431M, 802, 803, 814, 815, 816, 902C, 906, 2027, 3094,
16 3100, 3101, which was premarked for identification, but not
17 yet admitted, and 4007?

18 A I did.

19 MS. CHEN: Your Honor, at this point the government
20 moves to admit Government Exhibit 315.

21 MR. LUSTBERG: No objection.

22 MS. WONG: No objection.

23 MR. TUNG: No objection.

24 THE COURT: Admitted. You may publish.

25 (Government Exhibit 315, was received in evidence.)

HWANG - DIRECT - MS. CHEN

1 MS. CHEN: Thank you, your Honor.

2 (Exhibit published.)

3 Q Ms. Hwang, can you briefly describe what is in this
4 exhibit?

5 A This is the same exact key that we had just previously
6 seen in the summary chart just more zoomed in and focused.
7 And we see in the first column the party names and so those
8 are the names that are associated with the phone numbers that
9 we see on the right-hand column.

10 Q Ms. Hwang, do you have an understanding as to what these
11 particular names mean?

12 A No.

13 MS. CHEN: If we can go through just a couple of
14 other exhibits.

15 Ms. McMahon, can we publish Government Exhibit 3094?

16 THE COURTROOM DEPUTY: Previously admitted?

17 MS. CHEN: Yes, I believe so.

18 (Exhibit published.)

19 MS. CHEN: Can we zoom in there on the signature
20 block of the sender of the email.

21 Q Ms. Hwang, what does the first line say?

22 A Eric Gallowitz.

23 Q Is there a phone number you see in the fifth line?

24 A I do.

25 Q What is that phone number?

HWANG - DIRECT - MS. CHEN

1 A It is (914)588-4768.

2 MS. CHEN: If we can publish what is in evidence as
3 Government Exhibit 431B and the first page please. If we
4 could just highlight the upper left-hand box.

5 Q Do you see the name provided there, Ms. Hwang?

6 A I do.

7 Q What is the name?

8 A It says Hu Ji.

9 Q Turning to page 3 of this same document, we can just zoom
10 in on the top left box starting with home address.

11 Ms. Hwang, do you see a primary phone number listed
12 there?

13 A I do.

14 Q Can you read that please?

15 A It says 008613006363506.

16 MS. CHEN: If we could go now to Government
17 Exhibit 803, the first page. If we can zoom in on the first
18 row, please.

19 Q What is the name listed in the second column?

20 A Hu Ji.

21 Q Can you read the first two lines of the value for source
22 file?

23 A Johnny's iPhone.

24 Q In the fourth column under the word "phone" is there a
25 number listed there?

HWANG - DIRECT - MS. CHEN

1 A There is.

2 Q What is that phone number?

3 A It is 8613006363506.

4 (Continued on the next page.)

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HWANG - DIRECT - MS. CHEN

1 MS. CHEN: If we can now publish Government
2 Exhibit 902C, which is in evidence. Specifically pages 5 and
3 6. And the bottom of page 5, the top of page 6.

4 (Exhibit published.)

5 DIRECT EXAMINATION (Continued)

6 BY MS. CHEN:

7 Q Do you see a name listed there in the top column?

8 A I do.

9 Q What is that name?

10 A Hu Yi.

11 Q And what -- do you see a number listed in the bottom call
12 up all the way towards the right?

13 A I do.

14 Q And can you read that number, please?

15 A It is 861388092011.

16 Q And do you see right above where I drew a line, it's
17 about eight lines down, on the bottom call up towards the left
18 a value starting with ZY?

19 A Yes.

20 Q Can you read that line and what is on the next line,
21 please?

22 A ZYZY996@sina, S-I-N-A,.com-222567.

23 MS. CHEN: If would we now publish what is in
24 evidence as Government Exhibit 906, specifically rows 94 and
25 95.

1 (Exhibit published.)

2 Q Do you see values for 95 in the columns first name, last
3 name?

4 A I do.

5 Q And can you read what that name is?

6 A First name Lina, L-I-N-A. Last name Xu.

7 Q Xu's spelled X-U?

8 A Yes.

9 MS. CHEN: If we can scroll to the right.

10 Q Do you see columns with area underscore CD, and phone
11 underscore NR?

12 A I do.

13 Q Can you read what those values are for row 95?

14 A The area CD says 646. The phone NR is 9615658.

15 MS. CHEN: And now may we publish what is in
16 evidence. This is stipulation Government Exhibit 201.
17 Specifically page 7 at paragraph 28.

18 (Exhibit published.)

19 MS. CHEN: I'm just going to read a portion of this
20 paragraph. The first sentence reads:

21 Government Exhibit 3001 consists of true and
22 accurate copies of records obtained from GoDaddy LLC, which
23 include emails subscriber information and other records
24 associated with the email account
25 mike@mcmahoninvestigativegroup.com.

HWANG - DIRECT - MS. CHEN

1 Q And this one is Government Exhibit 3101, a subpart of
2 Government Exhibit 3001.

3 A It is.

4 MS. CHEN: Your Honor, the government moves to admit
5 Government Exhibit 3101.

6 MR. LUSTBERG: 3101?

7 MS. CHEN: 3101.

8 MR. LUSTBERG: No objection.

9 MS. WONG: No objection.

10 MR. TUNG: No objection.

11 THE COURT: Okay, admitted.

12 That was the only one in your summary document that
13 hadn't been admitted yet?

14 MS. CHEN: That's right, Your Honor.

15 THE COURT: Okay.

16 MS. CHEN: And may we please publish it?

17 THE COURT: Yes, you may.

18 (Government Exhibit 3101, was received in evidence.)

19 (Exhibit published.)

20 Q Do you see a value in the "from" row, Ms. Hwang?

21 A I do.

22 Q Can you read the name in that row?

23 A Michael Kelly.

24 Q Okay.

25 MS. CHEN: Can we go to the next page, please.

HWANG - DIRECT - MS. CHEN

1 And highlight and call out the top header.

2 Q And do you see a phone number associated -- or a phone
3 number listed in this header?

4 A I do.

5 Q Can you read that, please?

6 A (516) 666-0445.

7 MS. CHEN: May we now publish what is in evidence as
8 Government Exhibit 815. Specifically page 2 row 9.

9 (Exhibit published.)

10 Q And do you see a name there, Ms. Hwang?

11 A I do.

12 Q And what is that name?

13 A McMahon Michael.

14 Q Do you see a value that says "account"?

15 A I do.

16 Q What is listed under account?

17 A Johnny.

18 Q And do you see a value named "source file"?

19 A I do.

20 Q What is the first thing listed in source file?

21 A Johnny's iPhone.

22 Q And do you see all the way on the right-hand column a
23 number listed under phone?

24 A I do.

25 Q Can you read that number, please?

HWANG - DIRECT - MS. CHEN

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1 A 1(914)450-9169.

2 MS. CHEN: Can we publish Government Exhibit 431M
3 which is in evidence. Specifically the first page and calling
4 out near the photo.

5 (Exhibit published.)

6 Q It do you see a surname and given name there?

7 A I do.

8 Q Can you read that, please?

9 A Surname Sun. Given name Hui.

10 THE COURT: H-U-I.

11 MS. CHEN: And if we can go to page 3 now. Under
12 application data.

13 (Exhibit published.)

14 Q And do you see the value telephone?

15 A I do.

16 Q And do you see first listed telephone with parentheses
17 "home" next to?

18 A I do.

19 Q Can you read that number?

20 A 313907167861.

21 MS. CHEN: Ms. Hwang -- I'm sorry, can I publish now
22 what is in evidence as Government Exhibit 815 at page 30.
23 More specifically, row 17.

24 (Exhibit published.)

25 Q Do you see a name there, Ms. Hwang?

HWANG - DIRECT - MS. CHEN

1 A I do.

2 Q Can you read that name?

3 A Tu Lyka.

4 Q And are you familiar a company named Lyka Mobile?

5 A Yes, I am.

6 Q What is Lyka Mobile?

7 A Lyka Mobile is like your smaller phone carrier. And so
8 sometimes the smaller phone carriers also fall under --

9 (Court reporter interrupts for clarification.)

10 THE COURT: A folder end use, is that what you said?

11 A Yes.

12 End use, the cellular networks of the major service
13 providers. And so Lyka Mobile would be like the cellular
14 network of T-Mobile.

15 Q And, again, if you could read the first two words after
16 source file?

17 A Johnny's iPhone.

18 Q And all the way towards the right, under the word phone,
19 do you see a number?

20 A I do.

21 Q And what is that phone number?

22 A 1(917)348-9230.

23 MS. CHEN: Can we go now and publish what is in
24 evidence as Government Exhibit 431H, at page 1.

25 (Exhibit published.)

HWANG - DIRECT - MS. CHEN

1 Q Ms. Hwang, do you see where it says "name provided"
2 towards the top of this call up?

3 A I do.

4 Q Can you read that name?

5 A Xiao Jun.

6 Q Is that spelled X-I-A-O, J-U-N?

7 A Yes.

8 MS. CHEN: Okay. And if we can go to page 3 of the
9 same exhibit. And call up words the box that starts with
10 "home address".

11 (Exhibit published.)

12 Q Do you see where it states primary phone number?

13 A I do.

14 Q Can you read that into evidence, please?

15 A 1(390)712-2266.

16 MS. CHEN: If we can publish what is in evidence as
17 Government Exhibit 816, at page 1, and just call out that
18 first row.

19 (Exhibit published.)

20 Q And, again, do you see where it says "account" here all
21 the way in the second column?

22 A Yes.

23 Q What's the value after the word "account"?

24 A Endless Johnny.

25 Q And under the word source file, do you see that?

1 A I do.

2 Q And what are the first two words after that?

3 A Johnny's iPhone.

4 Q Now in the fourth column labeled "entries" going down, do
5 you see the word "phone"?

6 A I do.

7 Q What is the number listed under that?

8 A 1(390)712-2266.

9 Q And now going all the way towards the right, the column
10 that starts with "notes".

11 Do you see that?

12 A I do.

13 Q And what is listed under that?

14 A Alias. Xiao Jun, X-I-A-O, J-U-N.

15 MS. CHEN: If we can publish now what is in evidence
16 as Government Exhibit 4007, at page 1, please.

17 (Exhibit published.)

18 Q Ms. Hwang, do you see a number at the top of this
19 exhibit?

20 A I do.

21 Q Can you please read that?

22 A 1(347)854-3118.

23 Q And now going towards the bottom of the same page, do you
24 see a gray box starting with "Hi, Mike"?

25 A I do.

HWANG - DIRECT - MS. CHEN

1 Q Can you read that gray box, please?

2 A Hi, Mike. This is Jason. Please sent me your email
3 address. Thank you.

4 MS. CHEN: Okay, if we can publish what's in
5 evidence as Government Exhibit 814. Specifically row 1,
6 please.

7 (Exhibit published.)

8 Q Do you see where it says "source file" all the way
9 towards the right-hand column?

10 A I do.

11 Q Can you read the two words after that?

12 A Johnny's iPhone.

13 MS. CHEN: If we can zoom out from this, please. If
14 we can scroll down a bit.

15 Q In the third column over, do you see where it says
16 "phone"?

17 A I do.

18 Q Okay. Can you read that number, please?

19 A 1(917)348-5950.

20 Q And in the column to the left, do you see where it says
21 "account name"?

22 A I do.

23 Q And what does that read?

24 A It reads Johnny, colon --

25 THE COURT: Right parenthetical?

HWANG - DIRECT - MS. CHEN

1 THE WITNESS: Yes.

2 THE COURT: A smile emoji, is that what you were
3 going to say?

4 Q And right above that, do you see where it says "user
5 name"?

6 A I do.

7 Q What is that name?

8 A Endless Johnny.

9 MS. CHEN: Okay. If we can go now and publish what
10 is in evidence as Government Exhibit 2027.

11 Call up the top portion of this exhibit.

12 Q Do you see where it says "log-in name" at the top here?

13 A I do.

14 Q What does that read?

15 A Ex Johnny Z.

16 Q And all the way towards the bottom, do you see where it
17 says full name?

18 A I do.

19 Q And what does that read?

20 A Johnny Zhu.

21 Q And next to the word "channels", do you see a phone
22 number?

23 A Yes.

24 Q Can you please read that number?

25 A 1 (347) 618-9003.

HWANG - DIRECT - MS. CHEN

1 MS. CHEN: Okay. And finally, may we publish what
2 is Government Exhibit 802, which is in evidence.

3 (Exhibit published.)

4 Q And, Ms. Hwang, do you see where says "name" there in the
5 second column?

6 A I do.

7 Q Can you read that, please?

8 A Feng Zhu.

9 Q And can you read what's after the word "source file"?

10 A Johnny's iPhone.

11 Q And again under the word "phone" in the fourth column,
12 can you please read that number?

13 A (347) 574-3871.

14 MS. CHEN: Okay. Can you put back up what's in
15 evidence as Government Exhibit 316, please.

16 If we can zoom in to upper right-hand box where it
17 says "key". Okay.

18 (Exhibit published.)

19 Q Ms. Hwang, can you explain what this box shows?

20 A This is another key in helping to understand the summary
21 chart. And so CF stands call forwarding. CW stands for call
22 waiting. And VM stands for voice mail.

23 And so you'll see in parentheses there's CF, CW or
24 VM under the rows within the call-in label direction.

25 MS. CHEN: And if we can just highlight the first

HWANG - DIRECT - MS. CHEN

1 two rows of the main chart.

2 (Exhibit published.)

3 Q And, Ms. Hwang, can you explain for the jury what each of
4 these rows means? I'm sorry, what each of these column means?

5 A So starting from the left, the date and time received is
6 the date and time associated with that specific call.

7 The duration is eight minutes, ten seconds. So
8 first is the call. The duration was 23 minutes. And the
9 party name is McMahon. The phone number with this call is the
10 phone number ending in 9169.

11 This was an outgoing call from the phone number
12 ending in 9169 to the phone number ending in 4768 associated
13 with Gallowitz.

14 Q And to be clear, the time in the second column, what is
15 the time known reflected there?

16 A This would be local time, Eastern Time.

17 Q And when we see the columns "party name" and "party
18 number," is that the source of the phone data that's reflected
19 in this chart?

20 A It is.

21 Q I'm sorry, I didn't hear you.

22 A It is.

23 MS. CHEN: Okay. Okay, can we go to page 2 now.

24 Q Ms. Hwang, do you see a call made on October 6, 2016 made
25 at approximately 2:11?

HWANG - DIRECT - MS. CHEN

1 A I do.

2 Q Do you see in the time that has couple more numbers then
3 other values in that column?

4 A Yes.

5 Q Can you explain why that is?

6 A Call communications sourced from the archived records.

7 Archived records are essentially like what you would
8 see in your own phone bill, the call record represented there.
9 And so the information is a little more limited then what you
10 would see on a call detail record from the provider.

11 And so for the archived record, for the date and
12 time, all that was noted at the hour and the minutes versus if
13 the call is sourced from the call detail record you can see
14 the hour, minute and second of the call.

15 MS. CHEN: If we can go back to page 1 of this
16 document, please.

17 Q Do you see a phone call reflected there occurring on
18 September 24th, 2016 at approximately 11:02 a.m.?

19 A I do.

20 Q Can you explain what is reflected on this chart
21 concerning that call?

22 A This call happened on September 24th at 2016 at
23 11:02 a.m. The phone number associated with McMahon received
24 an incoming call from a phone number associated with Lina Xu.
25 And the duration of that call was five minutes.

HWANG - DIRECT - MS. CHEN

1 MS. CHEN: May we publish what is admitted in
2 evidence as Government Exhibit 4004, please. If we can zoom
3 in to the top half of this exhibit or this page, rather.

4 Q Do you see a phone number after the word "to"?

5 A I do.

6 Q What is that phone number?

7 A 1(646)961-5658.

8 Q And do you see a date and time right under the words
9 "iMessage"?

10 A I do.

11 Q What is that date and time?

12 A September 24th, 2016, 11:07 a.m.

13 Q Is that approximately five minutes after the call we were
14 just speaking of?

15 A Yes.

16 MS. CHEN: If we can go back now to Exhibit 316,
17 again, the first page.

18 THE COURT: I just want to interject for one second.
19 I think the record might be incorrect as to the year for the
20 initial testimony.

21 So it reads September 2015, I think it was '16.

22 I'm mostly directing it the court reporter.

23 MS. CHEN: Understood, Your Honor.

24 THE COURT: In the transcript it's incorrect.
25 That's why I want to fix it in the transcript.

HWANG - DIRECT - MS. CHEN

1 MS. CHEN: Understood.

2 THE COURT: I think you testified 2016 for both.

3 MS. CHEN: That's right.

4 Q Ms. Hwang, I want to direct your attention now to
5 October 5th, 2016 on this chart.

6 Can you explain what calls were made on October 5th,
7 2016, as reflected in this chart?

8 A Both are outgoing calls. The first call was October 5th
9 at 5:46 p.m. from phone number associated with McMahon to the
10 phone number associated with Gallowitz.

11 And the second call is from 9:56 p.m. And it's also
12 an outgoing call to the phone number from the phone number
13 associated with McMahon to the phone number associated with
14 Gallowitz.

15 Q And approximately how long are those calls?

16 A The first call duration is 12 minutes.

17 And the second call duration is eight minutes.

18 MS. CHEN: May we publish what's already admitted as
19 Government Exhibit 40019B at page 1, please.

20 If we can zoom in on the blue text box. Thank you.

21 (Exhibit published.)

22 Q And without reading the number, is there a name next to
23 the word "from" in that same row?

24 A There is.

25 Q And what is that name?

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1 A Mike McMahon.

2 Q And do you see the "to" right before the word "owner," is
3 there a name in front of that?

4 A Yes.

5 Q What is that name?

6 A Eric Gallowitz.

7 Q And beginning "TLO," can you read that sentence, please?

8 A TLO says he wanted by INTERPOL. Wow. Two exclamation
9 points.

10 Q Under the word "red," can you read the time and date
11 reflected there?

12 A October 5th, 2016, 9:36:17 p.m.

13 Q I'm sorry, you were reading from the bottom right of the
14 chat box; is that right?

15 A Yes.

16 MS. CHEN: Okay. May we publish now what is in
17 evidence as Government Exhibit 4004. Specifically page 10,
18 please.

19 (Exhibit published.)

20 Q If we can zoom in -- you don't need to zoom in.

21 Can you read the date and time at the top?

22 A October 5th, 2016, 9:39 p.m.

23 Q And if you don't mind reading the white and blue, I'll
24 read the last in gray, okay?

25 A The first message reads: I just some checks on him.

HWANG - DIRECT - MS. CHEN

1 Looks like he's wanted in China for corruption.

2 Q Okay. Would you think it will be okay to share this
3 information with Mr. Zhu, question mark or should I not to
4 pass this inf, period, to him, period.

5 A I'm sure he knows this but he didn't tell us. I think he
6 should have. He wanted wanted for corruption embezzlement and
7 taking bribes. If you Google his name, you will see the photo
8 you send me.

9 The user sends for attachment.

10 And then the next message reads: Top left.

11 Q I see, period.

12 I think now I know what's going on with Jin, J-I-N,
13 Xu, X-U's, case, period.

14 MS. CHEN: And can we go back now to Government
15 Exhibit 316, the first page, please.

16 If we can zoom in on the October 5th, 2016 phone
17 calls.

18 Q Ms. Hwang, on October 5th, 2016, does the Michael McMahon
19 number calling Ms. Xu?

20 A No.

21 Q Does the Michael McMahon number on that day call Yong
22 Zhu?

23 A No.

24 MS. CHEN: Can we go down to page 2 of the same
25 exhibit.

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1 Q And do you see a call there from October 24th, 2016 at
2 around 3:52 a.m.?

3 A I do.

4 Q And, Ms. Hwang, are there different time zones around the
5 world?

6 A There are.

7 Q Are you aware of whether there's a time zone difference
8 between Eastern Time and what is called China Standard Time?

9 A Yes.

10 Q And is that time zone difference approximately 12 hours?

11 A It is.

12 Q So when this call is converted from Eastern Time to China
13 Standard Time, what time is that call made?

14 A It will be approximately 11 p.m. at night.

15 Q I believe you're looking at the duration column.

16 A Oh, sorry. That will 5:23 p.m.

17 Q Sorry, 3:52 p.m.?

18 A Yes.

19 Q What about the next column, that's October 25th, 2016 at
20 1:45 p.m.

21 A That will be approximately 1:25 a.m.

22 Q And for the -- do you see a value in the duration column
23 of that call?

24 A I do.

25 Q What's the duration of that call?

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1 A The duration is zero minutes, ten seconds.

2 Q And same for the October 26th call at 2:53 a.m., and we
3 see this call out.

4 What time would that be in China Standard Time?

5 A That would be approximately 2:53 p.m.

6 Q If we go to page 2 of this exhibit, do you see a call
7 made on October 26th, 2016 at around 9:42 p.m.?

8 A I do.

9 Q Can you briefly explain who this call is made to and from
10 and about how long it lasted?

11 A This was an outgoing call with the phone number
12 associated with Hu Ji to the phone number associated with Yong
13 Zhu. And the duration of the call is approximately five
14 minutes and 27 seconds.

15 Q Can you calculate, based on that, approximately what time
16 this phone call would have ended?

17 A Approximately 9:47, 9:48 p.m.

18 MS. CHEN: If we can then go to the next phone call
19 that Yong Zhu makes.

20 Q Do you see that, Ms. Hwang?

21 A I do.

22 Q When is that call made?

23 A On the same day at 10:38 p.m.

24 Q And who is that call directed towards?

25 A This is an outgoing call from the number associated with

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1 Yong Zhu to the number associated with Lina Xu.

2 Q And how long is that call?

3 A One minute.

4 MS. CHEN: If we can go to the next page.

5 Do you see an October 27th, 2016 call at

6 approximately 9:16 a.m. -- I'm sorry, 9:17 a.m.?

7 A I do.

8 Q And, again, who is this call from and who is it to?

9 A It's an outgoing call from the phone number associated
10 with Yong Zhu to the number associated with Lina Xu.

11 Q And, again, what time, approximately, was this made?

12 A 9:17 p.m.

13 MS. CHEN: Can we publish what's been admitted as
14 Government Exhibit 4004 at page 16.

15 Q Do you see the date and time at the top of this exhibit?

16 A I do.

17 Q And what is the time?

18 A The daytime or just the time.

19 Q Both.

20 A October 27th, 2016, 9:35 a.m.

21 Q Is that about 18 minutes after 9:17 a.m.?

22 A Approximately, yes.

23 Q Can you read what's in the gray box listed there?

24 A Hi Mike. Mr. Jason Zhu would like to go to your office
25 to discuss Jin Xu's case with you. Can I have your office

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1 address so I can pass it to Mr. Zhu. Thank you.

2 MS. CHEN: And, again, going back now to
3 Exhibit 316. If we can go to page 6, October 27, 2016 at
4 1:50.

5 Q Do you see a call there?

6 A I do.

7 Q And who is that call to and from?

8 A This an outgoing call from the number associated with
9 Yong Zhu to the number associated with Lina Xu.

10 MS. CHEN: And can we do this side by side with
11 Government Exhibit 4004, please. Specifically page 17.

12 If we can call out the call we were just looking at,
13 Government Exhibit 316, October 27, 2016 at 1:50 p.m.

14 (Exhibit published.)

15 Q And, Ms. Hwang, towards the top of the exhibit on the
16 right, which is 4004, do you see a phone number associated at
17 the top?

18 A I do.

19 Q Is that the phone number associated with Ms. Xu?

20 A It's the same phone number.

21 Q What's the date and time listed under that?

22 A On the right?

23 Q On the right?

24 A October 27th, 2016, 1:55 p.m.

25 Q Is that approximately five minutes after the call made by

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1 Yong Zhu to Lina Xu?

2 A It is.

3 Q And can you read just the first gray box in the exhibit
4 on the right?

5 A I think at this point he can meet you anywhere as long as
6 you give him an address because he seems like he really need
7 to talk to you in person.

8 Q And can you read the gray box before that beginning with
9 "Mr. Zhu"?

10 A Mr. Zhu has just got back to me. He wants to meet you
11 ASAP. So he would like to know if you are free this
12 afternoon. He can go to NJ.

13 (Continued on the following page.)

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1 (Continuing.)

2 BY MS. CHEN:

3 Q And now if we could publish just Government Exhibit 316
4 on the left, still on page 3. Do you see two calls there on
5 November 1, 2016, at 8:05 and 8:06 p.m.?

6 A I do.

7 Q Who are those calls to and from, and approximately how
8 long did they last each?

9 A Both calls are between the same parties. The first is an
10 outgoing call from a number associated with Hu Ji to the
11 number associated with Xiao Jun. The second is an incoming
12 call.

13 MS. CHEN: If we could publish side by side this
14 exhibit next to what's in evidence as Government Exhibit 4008,
15 at page 13.

16 Q And can you read at the top what's under the circle with
17 the J in it?

18 A Jin Xu.

19 Q Is that J-I-N, X-U?

20 A Yes.

21 Q What is the date and time listed under that?

22 A November 1, 2016, 2:06 p.m.

23 Q And if you don't mind reading the left in gray, I'll read
24 the right in green.

25 A Do you have time this afternoon?

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1 Q Yes, what time?

2 A As you like. I have time the whole day.

3 Q Okay. Let's meet at my office 21 Main Street,
4 Hackensack, NJ. You can park under the building. Tell
5 security you're going to the third floor law office. 3:30
6 p.m. is a good time.

7 A Okay. I will arrive at 3:30.

8 MS. CHEN: If we could call back out the November 1,
9 2016, 8:05 call.

10 Q Is this the call made from the Hu Ji number to the Xiao
11 Jun number made on the same day as the text message in the
12 right exhibit that we just read?

13 A Yes.

14 MS. CHEN: If we could take down both these
15 exhibits.

16 May I publish for the witness and counsel only what
17 has been pre-marked for identification as Government
18 Exhibit 812-B.

19 THE COURT: All right.

20 MS. CHEN: If we could scroll to the second page,
21 please.

22 Q Ms. Hwang, do you see this?

23 A I do.

24 Q Do you recognize what this document is?

25 A I do.

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1 Q What is it?

2 A This is a translation of content sourced from WeChat.

3 Q Is Government Exhibit 812-B that we're looking at a
4 translation extracted from a Chinese version of a phone
5 GX 801?

6 A It is.

7 Q Do you see in the third line, Participants?

8 A I do.

9 Q Who are the participants?

10 A The exhibits are Endlessjohnny, Johnny Z, and
11 Chulaihunshehui.

12 Q Why don't you spell that.

13 A C-H-U-L-A-I-H-U-N-S-H-E-H-U-I.

14 MS. CHEN: All one word.

15 A Fate determines life or death.

16 MS. CHEN: May I now publish for the witness and
17 counsel only what's been marked for identification as
18 Government Exhibit 812-C.

19 Q Do you recognize this exhibit?

20 A I do.

21 Q What is this?

22 A This is the same content that we saw in the previous
23 file, except it's presented in a conversation view.

24 Q Does this exhibit show only a portion of the
25 communications in Government Exhibit 812-B?

Hwang - Direct - Chen

1 A It does.

2 Q Does it have translator notations removed?

3 A It does.

4 Q And is the timestamp in this exhibit different than that
5 in what we were just looking at in Government Exhibit 812-B?

6 A It is different.

7 Q How is it different?

8 A The contents in the translated document are reflected in
9 UTC time, transferred to coordinated universal time. So to
10 convert them to Eastern time, which is this time period of the
11 messages we're looking at, it would be UTC minus four. So the
12 date and timestamps have been converted to Eastern time.

13 Q And is Government Exhibit 812-C a fair and accurate
14 summary of the information included in Government
15 Exhibit 812-B?

16 A It is.

17 MS. CHEN: Your Honor the Government moves to admit
18 Government Exhibit 812-C.

19 MR. LUSTBERG: No objection.

20 MS. WONG: No objection.

21 MS. TUNG: No objection.

22 THE COURT: Admitted.

23 (Government Exhibit 812-C, was received in
24 evidence.)

25 THE COURT: You may publish.

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1 (Exhibit published.)

2 Q Ms. Hwang, can you explain to the jury what this exhibit
3 shows?

4 A This is the content that was in the translated file. So
5 it's presented in a conversation view, and you see the two
6 parties on the left and right-hand side of the screen. And so
7 the messages or the blue boxes that we see on the right-hand
8 side are the outgoing messages from the user Johnny Z, and
9 then the messages in the gray box that we see on the left-hand
10 side are the outgoing messages from that party.

11 Q If you don't mind reading in blue on the right, I'll read
12 in gray on the left.

13 Beginning with the top message, which is dated
14 March 30, 2017, at 10:18 a.m.

15 I am at work now. Can't talk for very long.

16 A Call me as soon as possible. There is something.

17 Q Been calling. Not going through though.

18 A What time will you get off work?

19 Q Can you just pick up the phone?

20 A Haven't received your call, exclamation point.

21 13971210147. Chinese phone number. Are you sure you dialed
22 the Chinese one?

23 Q On that same day.

24 Yes. Still not going through.

25 A Give me your telephone number. I will call you after I

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1 get home. You stay up after work.

2 Q Nonsense.

3 A What? To let you do something to make money. The signal
4 is not good. I will call you in two hours.

5 Q Same day.

6 Okay, that's fine. My phone 7182005568.

7 A Okay. I am on the high speed train now. Will call you
8 after arriving in Wuhan in two hours.

9 The next day.

10 Call me when you are done with your business.

11 Q I am a little bit busy now. Talk to you later.

12 Same day.

13 Call you now?

14 A Fine. I will give you a call at 9 p.m. your time.

15 The following day.

16 Are you out of the bed?

17 Same day.

18 Briefly. It is like this. I will accompany some

19 government personnel to the United States for some business.

20 Need you to drive your own car to a house close to the Newark

21 Airport and stake out there for five days. 12 hours on the

22 first day, 10 hours on the second day, and 8 hours on the last

23 three days. If you see anyone from the house, you need to

24 follow the car and find the address where the car will be

25 parked. The compensation is 1800 USD. If you locate the

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1 person on the first day, then there is no need to track
2 afterward. The surveillance time is from 9 a.m. to 6 p.m.,
3 except for day one. It is kind of like a private detective.
4 It is to find out where that family's car will be parked when
5 they go out. The surveillance time is currently planned for
6 Friday.

7 Same day.

8 Respond to me as soon as possible. Leave me a
9 message if there is any question. I will arrive in New York
10 on Wednesday.

11 Q I just woke. I was too tired yesterday. I went to bed
12 directly when I did not see you call me.

13 Next message appears to be attachment,
14 voip_content_voice.

15 And the next message writes:

16 Dial me via voice call when you see this.

17 A On April 4th.

18 I am here 9173485950. Jin Zi, Z-I, Jin Zi in place
19 too. Let's meet after finishing this in the next few days.

20 Q That same day.

21 Okay, okay. Are you in New Jersey now?

22 A Yes. Been doing things already. Will accompany Allen
23 tonight. Coming back to get some clothes and have a quick
24 meet with you.

25 Q Same day.

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1 Okay. No problem. Then in the hotel... there are
2 shampoo and body wash, right?

3 A You only need to bring your toothbrush and toothpaste.

4 Q Okay. I am on the subway now and will be there in about
5 ten minutes.

6 A Call me when you arrive.

7 MS. CHEN: May I now publish just for the witness
8 and counsel what has been pre-marked for identification as
9 Government Exhibit 808-B.

10 THE COURT: All right.

11 MS. CHEN: If we could go to page 3 of this
12 document.

13 Q Ms. Hwang, do you recognize this exhibit?

14 A I do.

15 Q And what is it?

16 A This is another translated file of contents sourced from
17 WeChat.

18 Q Is 808-B a translation of WeChat content extracted from
19 Government Exhibit 801?

20 A It is.

21 MS. CHEN: May I now publish, again just for the
22 witness and counsel, Government Exhibit 808-C.

23 Q Do you recognize this exhibit?

24 A I do.

25 Q And what is this?

Hwang - Direct - Chen

1 A This is the similar conversation view of the translated
2 content in 808-B.

3 Q And is this just a portion of the communications in
4 808-B?

5 A It is.

6 Q And are translator notations removed?

7 A It is.

8 Q And again, is the time converted from UTC time to Eastern
9 time?

10 A It is.

11 Q And where an attachment is referenced, did you refer to
12 the underlying extraction to verify those attachments?

13 A I did.

14 MS. CHEN: Your Honor, the Government moves to
15 admit Exhibit 808-C.

16 MR. LUSTBERG: No objection, Your Honor.

17 MS. WONG: No objection.

18 MR. TUNG: No objection.

19 THE COURT: Admitted.

20 (Government Exhibit 808-C, was received in
21 evidence.)

22 THE COURT: You may publish.

23 (Exhibit published.)

24 Q Ms. Hwang, can you explain who these chat communications
25 appear to be to and from?

Hwang - Direct - Chen

1 A The contents are between the participants Cameronli007,
2 Li Feng, as well as Endlessjohnny, Johnny Z.

3 Q And do you see in this exhibit where there's kind of a
4 squiggly mark and then the word "audio"?

5 A I do.

6 Q Do you have an understanding as to what that is?

7 A That is referencing the original extraction that appeared
8 to be an audio attachment.

9 Q And do you see text underneath it with the word "audio,"
10 colon?

11 A I do.

12 Q And do you have an understanding as to what that text is?

13 A That is the translated audio.

14 Q Again, if you don't mind reading in blue, I'll read in
15 gray.

16 A Starting on March 31, 2017, at 4:58 a.m.:

17 You have added Li Feng as your WeChat contact.
18 Start charting. Zhu Feng, and the user sends an emoji which
19 appears to be the okay hand sign.

20 Q Have you prepared the questions?

21 There's an audio attachment with file name
22 5.aud.silk. The audio reads, quote: Tomorrow afternoon, I am
23 busy tomorrow afternoon, you just send the questions as soon
24 as possible so that I can get it done in the morning, end
25 quote.

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1 A 1: What is your purpose to visit the United States?

2 Answer, quote: To visit relatives, visit relatives.

3 On the same day.

4 2: How long are you going to stay in the United
5 States? Answer, quote: Based on the returning flight, just
6 stay for a week. As scheduled round trip, I will be staying
7 for a week.

8 3: Where are you going to stay?

9 Answer, quote: I am going to stay at my family
10 members' house. I will stay in the house with my family.

11 Q That's it?

12 A 4: Who is coming to the airport to pick you up? Answer,
13 quote: The tour guide arranged by family members. Tour guide
14 who is assigned by my family.

15 Same day.

16 There are more, wait a minute.

17 5: Who is paying the expenses of your trip, food,
18 lodging, and entertainment? Have you all decided how to beat
19 this question? Answer.

20 Q Self.

21 A Okay.

22 Same day.

23 6: What is the phone number of the person who is
24 going to pick you up and the number of your family member?

25 Answer: Tour guide's phone number is 3475743871, and the

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1 family member's phone number is xxx.xxx.xxxx.

2 76: Is there anyone traveling with you? Answer,
3 quote: My private doctor, my private doctor, with a typo of
4 D-O-C-O-T-O-R.

5 You can make changes by yourself. N-O, number 7
6 will definitely be smelled. Asked.

7 Q Then on April 7, 2017, at 6:35 a.m., there appears to be
8 an attachment, a JPEG. Under that writes: Han version of
9 Justice Squad, brackets, clap, bracket, clap.

10 A On same day.

11 Hello Li Feng. Prosecutor Tu has boarded the plane.
12 She asked me to tell you to notify her driver that her flight
13 was changed and ask the driver to pick her up. She asked you
14 to find the prosecute sun's phone number and say happy
15 birthday to sun for her.

16 The user sent a JPEG attachment and the following
17 message reads: Cancelled.

18 Q That same day.

19 What is her flight?

20 A The Air China one. Talk to the one who booked the
21 flight. I don't know either.

22 Q Got it.

23 If we could go back to page 4 of this exhibit. Do
24 you see a phone number 3475743871 in the first text box?

25 A I do.

Hwang - Direct - Chen

1 Q And is that the phone number associated with Zhu Feng,
2 noted as Alternate 2 in the chart that you created at
3 Government Exhibit 315?

4 A It's a pay phone number.

5 MS. CHEN: May I please publish for the witness and
6 counsel only what's been premarked for identification as
7 Government Exhibit 807-B.

8 THE COURT: Okay.

9 MS. CHEN: Please go to page 2.

10 Q Again, Ms. Hwang, what is this document?

11 A This is also another translated document of content
12 sourced from WeChat.

13 Q And who are the participants?

14 A Can you zoom in on the top one? Thank you.

15 The participants are Endlessjohnny, Johnny Z, and
16 Louallen, Allen Jin, J-I-N.

17 Q And is this exhibit a translation of WeChat content
18 extracted from Government Exhibit 801?

19 A It is.

20 MS. CHEN: May I now publish for the witness and
21 counsel what's been pre-marked as Government Exhibit 807-F.

22 Q Again, do you recognize this?

23 A I do.

24 Q What is it?

25 A This is the same content that we see in the translated

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1 document presented against a conversation view.

2 Q And like the other exhibits, is this a portion of the
3 communication in 807-B?

4 A It is.

5 Q And again, has the translator notation been removed and
6 has the time been converted from UTC to Eastern time?

7 A It has.

8 MS. CHEN: The Government offers Government
9 Exhibit 807-F in evidence?

10 MR. LUSTBERG: No objection.

11 MS. WONG: No objection.

12 MR. TUNG: No objection.

13 THE COURT: Admitted.

14 (Government Exhibit 807-F, was received in
15 evidence.)

16 THE COURT: You may publish.

17 (Exhibit published.)

18 Q And again, who are the participants in this
19 communication?

20 A The participants are Blueallen, Allen Jin, and
21 Endlessjohnny, Johnny Z.

22 Q And again, if you don't mind reading in blue and I'll
23 read in gray.

24 A Starting on April 1, 2017, at 11:13 p.m.

25 Has Taotao, T-A-O-T-A-O, talked to you?

Hwang - Direct - Chen

1 Q Uh-huh. 9293603467. My new phone.

2 Then there's an attachment, voip_content_voice.

3 And that message reads, take the picture with cell
4 phone or camera?

5 A The same day.

6 Cell phone is fine. There's no need more license
7 plate under normal circumstances.

8 Q Okay.

9 A One 5527719956 is my number in China. Call me at night
10 if you have anything unclear. I will arrive in Shanghai by
11 plane in the afternoon.

12 Q Okay.

13 A The same day.

14 When you meet the team members at the airport, just
15 say you drive dispatched taxi before in the U.S., you are very
16 familiar with the routes and have plenty of time. Your
17 relationship to me is a friend for many years. Remember, do
18 not raise any question of the pay. Do not ask them what they
19 come here for. I will give you your money. This thing is
20 carried out secretly.

21 Q Okay. Got it. Just pretend not knowing anything.

22 A Continuing same day.

23 Correct. Just follow the instructions when working
24 for the Chinese Government. It will be just fine by playing
25 dumb and not asking questions. I will make the arrangement.

Hwang - Direct - Chen

1 Q Okay.

2 A My flight is UA086.

3 Q What is the date in New York time?

4 A Misspoken. Should be UA087.

5 Continuing on the same day.

6 Arrives in Newark at 6 in the afternoon of the 3rd.

7 3rd, 6 p.m., your time.

8 Q And there appears to be an audio file named 25.aud.silk.

9 That audio reads, quote: Will it start on the day of the

10 airport pickup or not?

11 Then there's another audio attachment, 26.aud.silk.

12 That audio reads, quote: What's the head count? Is my car

13 big enough?

14 A Continuing on the same day.

15 Not on that day. Will start on the 5th in theory.

16 There will be two of us on the first day, the remaining

17 personnel will arrive one day after. I will pick up the

18 people coming afterwards.

19 Q How much is it to pick someone up at the airport? For

20 free?

21 A No money for picking up at the airport. All is part of

22 the 1800 afterwards.

23 Q Okay.

24 A I will try my best to ask them to work more days so that

25 you will have more income. Currently it is tentatively set

Hwang - Direct - Chen

1 for five days.

2 Q That same day.

3 Oh, got it.

4 A When you come, help me to buy two Ultra mobile cards and
5 ask someone to provide you an invoice with higher amount.

6 Q Oh. Got it.

7 A Set up a plan of \$30 per month for each card. Need the
8 smallest nano sim card.

9 Q What are the requirements? Data, text, and phone calls.
10 Unlimited. Does it need to be able to call China?

11 A On the same day.

12 Correct. \$30 per month all included. The card cost
13 \$10 and the plan costs \$30. Two cards for \$40, is that right?

14 Q Never bought it before. Go and ask.

15 A Try to get an invoice of \$100. Wrong. Two cards for
16 \$80. You can ask for an invoice of \$160. Bring the cards to
17 the airport.

18 Q That same day, an audio attachment, 53.aud.silk. The
19 audio reads, quote: I understand. Got it. End quote.

20 A There are many Ultra mobile agents in Flushing.

21 Q There's another audio attachment 55.aud.silk, which
22 reads, quote: Yes, I know those. I got it. End quote.

23 A This way you get your fee for picking up.

24 Q Then there's another audio attachment, 57.aud.silk which
25 reads, quote: Yes, I am clear. I got it. End quote.

Hwang - Direct - Chen

1 A On the same day.

2 I am flying to Shanghai soon. Leave me a message if
3 there is any question.

4 Q Another audio attachment, 59.aud.silk. Quote: I got it.
5 You can go. End quote.

6 This is now on April 3, 2017, at 7:18 p.m.

7 Do I need to go inside to find you?

8 Then there's an attachment, voip_content_voice.

9 Then there appears to be a screenshot on that same
10 day, it appears to be the screenshot of a WeChat
11 communication. Then there's another message in brackets,
12 Shared Location.

13 Then on April 4, 2017, at 5:08, there appears to be
14 another image that is shared.

15 A On the same day, 11:15 p.m., user Endlessjohnny sent two
16 photo attachments that appears to be of two different people.

17 Q Then on April 5, 2017, Blueallen, Allen Jin, sends a
18 hyperlink that I'm not going to read into the record. That
19 same day he writes: I am here. Return the call when it is
20 convenient for you.

21 A Find an opportunity to take several pictures for me.

22 Q That same day, Blueallen, Allen Jin, sends a photo that
23 appears to be dark. Then there's an audio attachment,
24 72.aud.silk, which reads, quote: This is it, won't see
25 anything if it is any further away. Total darkness. The

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1 flash was on. This is the effect when the flash is on. End
2 quote.

3 That same day at 10:52 p.m., the private detective
4 has left.

5 A User Endlessjohnny, Johnny Z sent an audio attachment,
6 74.aud.silk, audio, quote: You can leave too after staying
7 for half an hour. You stay there for half an hour and you
8 leave too. End quote.

9 Q Okay. Are you outside?

10 Then there's an audio attachment, 77.aud.silk, which
11 reads, quote: Bro, bro, I have not arrived yet. Massive
12 traffic jam. I will arrive in fucking 10 more minutes.

13 Pardon my language.

14 There's another audio attachment, 78.aud.silk, which
15 reads, quote: There is no way to take pictures. You have to
16 wait for me a while. Help me think of some excuses to buy
17 some time. End quote.

18 A Continuing on the same day, user sends an audio
19 attachment, 79.aud.silk, quote: Okay. I know. It's all
20 right, it's all right. Observe the surroundings and then come
21 down to take pictures. End quote. Send me a message when you
22 arrive.

23 User sent another audio attachment, 80.aud.silk,
24 quote: Bracket, UI, close bracket, dot dot dot, make a call,
25 need to find you for something.

Hwang - Direct - Chen

1 Q April 7, 2017, at 12:37 p.m., Blueallen, Allen Jin,
2 writes: 144-43 71rd.

3 And there appears to be a screenshot of a location
4 with the address 144-43 71st Road.

5 A On April 12th -- sorry.

6 Q We're actually done with that exhibit. Thank you.

7 MS. CHEN: May I publish now for the witness and
8 counsel only what has been pre-marked for identification
9 Government Exhibit 810-B.

10 THE COURT: All right.

11 Q Again, Ms. Hwang --

12 MS. CHEN: If we could go to the second page, I'm
13 sorry.

14 Q Ms. Hwang, do you recognize this exhibit?

15 A I do.

16 Q What is this?

17 A This is another translated documents with contents
18 sourced from WeChat.

19 Q Who are the participants of this exhibit?

20 A The participants are Endlessjohnny, Johnny Z, and
21 WXID_88EB56EMG14A -- I'm sorry, L4A11.

22 Q Is Government Exhibit 810-B a translation of a WeChat
23 content extracted from Government Exhibit 801?

24 A It is.

25 MS. CHEN: May I now publish for the witness and

Hwang - Direct - Chen

1 counsel what's been marked as Government Exhibit 810-C.

2 THE COURT: All right.

3 Q And again, Ms. Hwang, do you recognize this?

4 A I do.

5 Q What is this?

6 A This is the translated content of what we see in 810-B,
7 also similarly now presented in a conversation view.

8 Q And is this a portion of the communications in 810-B?

9 A It is.

10 Q And as with the other exhibits, are translator notations
11 removed and is time converted from UTC to Eastern time?

12 A That's correct.

13 MS. CHEN: Your Honor, we move to admit Government
14 Exhibit 810-C.

15 MR. LUSTBERG: No objection.

16 MS. WONG: No objection.

17 MR. TUNG: No objection.

18 THE COURT: Admitted.

19 (Government Exhibit 810-C, was received in
20 evidence.)

21 THE COURT: You may publish.

22 (Exhibit published.)

23 Q Ms. Hwang, can you briefly describe who the participants
24 are of this exhibit?

25 A The user is Oldnaughtykid and Endlessjohnny, Johnny Z.

Hwang - Direct - Chen

1 Q And again, if you don't mind reading in blue, I'll read
2 in gray.

3 Starting at March 27, 2017, at 4:28 a.m.

4 Attachments.

5 Hu Ji. Shared. User ID. WeChat ID.

6 And there appears to be a long alphanumeric, I don't
7 know, string of letters and numbers.

8 Username Hu Ji, gender, male, and then what appeared
9 to be a typo of Wuhan, comma, Hubei, comma, CN.

10 A Two days later on April 1st, at 3:08 a.m., 155277199951.
11 Then the next day the user sends a photo attachment.

12 Q On April 3, 2017, at 4 a.m.

13 Just arrived?

14 A Has not taken off yet.

15 Q Send the progress status at any time.

16 A Okay.

17 THE COURT: It's five minutes before we end for the
18 day. Is this a good stopping point?

19 MS. CHEN: I think it is, Your Honor. The next
20 exhibit is quite lengthy.

21 THE COURT: All right.

22 So, ladies and gentlemen of the jury, we're going to
23 stop our day now, a few minutes shy of 5:30.

24 Remember, don't talk about the case. Don't let
25 anyone talk to you about the case. Don't do any research.

1 Keep an open mind. We'll see you here ready to go at 9:30
2 tomorrow.

3 Thanks, everyone. Have a great evening.

4 THE COURTROOM DEPUTY: All rise.

5 (Jury exits.)

6 THE COURT: Speaking to the witness: You can step
7 down if you'd like.

8 (Witness exits the stand.)

9 All right. Do we have anything to address before I
10 let everyone go for the evening?

11 Government?

12 MR. HEEREN: I'm just going to wait for the witness
13 to leave.

14 Actually, I do have one correction for the
15 transcript, just for the court reporter. And it may not be a
16 correction, but just so it's clear.

17 I think when Ms. Chen says Zhu Fong, F-O-N-G, or at
18 least that's what it sounds like, it's actually spelled Zhu,
19 and then last name F-E-N-G.

20 Is that correct?

21 MS. CHEN: First name Feng, F-E-N-G, but that's
22 correct.

23 THE COURT: I just saw one place where it was
24 spelled F-O-N-G, and I just want to make sure each of the
25 court reporters knows what the spelling is so we don't have

1 massive confusion with the transcript.

2 Okay. So, Government, what do you have?

3 And folks, you can sit down or leave if you're in
4 the audience area.

5 MR. HEEREN: Just to give counsel who is coming up
6 tomorrow, in addition to the witness --

7 THE COURT: Microphone.

8 MR. HEEREN: Sorry. In addition to the witness
9 that's on, the Government expects to call Kevin Hecht, Hongru
10 Jin, and Jeff Tarkin.

11 THE COURT: Thank you.

12 MR. LUSTBERG: Sorry, what was the last one?

13 MR. HEEREN: Jeff Tarkin, T-A-R-K-I-N.

14 THE COURT: Anything from the defense before you all
15 go for the evening?

16 MR. LUSTBERG: No, Your Honor.

17 Just I guess one thing. I always say nothing and
18 then there's something.

19 THE COURT: You usually say one question and then
20 there are 12, but okay.

21 MR. LUSTBERG: I usually say one and it's five.

22 THE COURT: I'm kidding. Go ahead.

23 MR. LUSTBERG: So last night around midnight, as you
24 know, the Government filed a response with regard to the issue
25 of the additional sections of Mr. McMahon's statement.

1 THE COURT: Yes.

2 MR. LUSTBERG: I just want to make sure that before
3 the Court -- I wasn't planning to filing any kind of reply,
4 but I would like the opportunity to address it before the
5 Court decides the issue.

6 THE COURT: That's fine.

7 Which witness is going to be used to get in
8 Mr. McMahon's post-arrest statement?

9 MR. HEEREN: It's former investigator John Ross.

10 THE COURT: Oh, okay. And when is he testifying?

11 MR. HEEREN: Later this week. We're not sure
12 exactly where, but it's definitely not going to be tomorrow.

13 THE COURT: Okay. So maybe we could take this up
14 tomorrow morning, then, before the day starts. So plan on
15 discussion of it tomorrow morning at 9 a.m.

16 MR. HEEREN: Thank you.

17 THE COURT: Ms. Wong or Mr. Goldberger, anything?

18 MR. GOLDBERGER: No, Your Honor.

19 THE COURT: Mr. Tung, anything?

20 MR. TUNG: No.

21 THE COURT: Okay. So we'll see you folks ready to
22 go at 9 a.m. tomorrow morning.

23 Have a good evening.

24 (Whereupon, the trial adjourned at 5:35 p.m.)
25

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<p>1</p> <p>11:13 p.m [1] 864/24 11:15 p.m [1] 868/15 11:25 [1] 717/7 12 [7] 719/21 720/20 721/13 721/15 843/16 846/10 874/20 12 hours [1] 856/21 12:37 p.m [1] 870/1 12th [1] 870/5 13 [8] 692/11 693/8 733/17 733/25 734/1 754/17 799/9 851/15 136-20 [1] 659/5 13886092011 [1] 819/19 13971210147 [1] 855/21 14 [2] 820/10 820/11 144-43 [2] 870/2 870/4 15 [2] 724/7 815/10 15 minutes [1] 717/6 155277199951 [1] 872/10 16 [2] 801/3 848/14 17 [3] 707/25 833/23 849/11 18 [1] 848/21 180 degrees [1] 732/18 1800 [2] 856/25 866/22 1:00 [1] 764/6 1:25 a.m [1] 846/21 1:45 p.m [1] 846/20 1:50 [1] 849/4 1:50 p.m [1] 849/13 1:55 p.m [1] 849/24 1st [2] 823/9 872/10</p>	<p>669/21 669/22 669/24 670/3 671/4 671/6 671/7 671/8 671/23 671/25 672/2 672/6 672/8 673/18 675/22 676/4 678/21 701/7 706/2 706/4 706/7 710/3 710/20 724/6 724/8 725/22 725/24 730/7 782/23 2019 [1] 731/17 2020 [7] 671/10 672/22 673/7 801/4 801/8 803/2 803/11 2022 [1] 817/10 2023 [4] 658/5 773/7 802/22 803/9 2027 [2] 825/15 838/10 203 [1] 723/3 20530 [1] 658/17 21 [1] 852/3 21-CR-265 [1] 658/2 222567 [1] 829/22 2266 [2] 835/15 836/8 23 [2] 669/19 840/8 23rd [6] 666/14 669/22 671/6 671/7 675/22 676/4 24th [4] 841/18 841/22 842/12 846/1 25.aud.silk [1] 866/8 25th [1] 846/19 26.aud.silk [1] 866/11 265 [1] 658/2 26th [2] 847/2 847/7 27 [4] 847/14 849/3 849/13 872/3 271 [1] 658/13 2777 [1] 658/23 27th [3] 848/5 848/20 849/24 28 [4] 801/7 803/2 803/11 830/17 29 [1] 679/4 2:00 [3] 763/20 764/25 767/10 2:06 p.m [1] 851/22 2:10 [1] 768/2 2:11 [1] 840/25 2:53 a.m [1] 847/2 2:53 p.m [1] 847/5</p>	<p>313907167861 [1] 833/20 314 [6] 818/20 820/12 820/17 820/23 822/16 877/16 315 [5] 825/4 825/20 825/25 863/3 877/18 316 [11] 822/5 822/18 822/23 823/4 839/15 842/16 845/15 849/3 849/13 851/3 877/17 31st [1] 823/10 335 [6] 790/7 790/15 790/19 790/24 791/3 791/15 347 [4] 820/3 836/22 838/25 839/13 3475743871 [2] 861/25 862/24 348-5950 [1] 837/19 348-9230 [1] 834/22 3500 [3] 666/20 679/3 679/4 3871 [1] 839/13 38th [1] 659/5 390 [2] 835/15 836/8 3:08 a.m [1] 872/10 3:30 [2] 852/5 852/7 3:52 a.m [1] 846/2 3:52 p.m [1] 846/17 3D [1] 659/5 3rd [2] 866/6 866/7</p>
<p>2</p> <p>2 p.m [2] 718/21 718/24 20 [1] 659/5 2008 [3] 771/12 773/8 798/13 2009 [1] 771/14 201 [2] 819/5 830/16 2010 [5] 734/2 734/3 734/5 754/25 798/14 2011 [1] 754/24 2012 [1] 754/24 2015 [5] 694/2 788/7 788/16 788/18 842/21 2016 [26] 755/18 769/14 823/9 823/10 840/24 841/18 841/22 842/12 843/2 843/5 843/7 844/12 844/22 845/16 845/18 846/1 846/19 847/7 848/5 848/20 849/3 849/13 849/24 851/5 851/22 852/9 2017 [26] 694/4 695/9 695/12 695/23 696/13 696/16 696/20 696/25 697/7 699/3 724/7 753/4 756/3 756/13 756/19 782/23 855/14 860/16 862/7 864/24 868/6 868/13 868/17 870/1 872/3 872/12 2018 [32] 666/14 666/15 669/19</p>	<p>3</p> <p>30 [3] 744/8 833/22 855/14 3001 [2] 830/21 831/2 302s [1] 676/3 306 [7] 659/2 818/19 819/10 820/17 820/23 822/15 877/16 308 [6] 818/19 819/16 820/17 820/23 822/15 877/16 3094 [2] 825/15 826/15 31 [1] 860/16 310 [3] 819/24 820/4 820/7 3100 [1] 825/16 3101 [7] 825/16 831/1 831/5 831/6 831/7 831/18 877/19 310A [6] 818/19 820/6 820/17 820/23 822/15 877/16 3118 [2] 820/3 836/22</p>	<p>4</p> <p>4 a.m [1] 872/12 4 p.m [1] 718/20 40 [2] 744/8 821/19 40019B [1] 843/19 4004 [5] 842/2 844/17 848/14 849/11 849/16 4007 [2] 825/17 836/16 4008 [1] 851/14 401 [1] 659/2 4233 [1] 819/13 43 [2] 870/2 870/4 431B [2] 825/14 827/3 431H [2] 825/15 834/24 431M [2] 825/15 833/2 450-9169 [2] 820/15 833/1 4768 [2] 827/1 840/12 4:28 a.m [1] 872/3 4:58 a.m [1] 860/16 4th [13] 710/1 710/20 724/11 729/8 730/2 782/22 782/24 783/3 783/19 783/21 785/17 785/20 857/17</p> <p>5</p> <p>5.aud.silk [1] 860/22 5/31/2023 [1] 802/22 50 [1] 821/12 503-A [4] 727/16 728/3 728/10 877/13 505 [2] 721/22 723/6</p>

<p>5</p> <p>505-1 [5] 721/21 722/6 722/13 723/21 877/11</p> <p>505-B [5] 715/8 715/21 716/3 723/16 877/10</p> <p>505-C [5] 723/2 723/7 723/12 723/16 877/12</p> <p>516 [1] 832/6</p> <p>529-4233 [1] 819/13</p> <p>53.aud.silk [1] 867/18</p> <p>55.aud.silk [1] 867/21</p> <p>5527719956 [1] 865/9</p> <p>5658 [1] 842/7</p> <p>57.aud.silk [1] 867/24</p> <p>574-3871 [1] 839/13</p> <p>588-4768 [1] 827/1</p> <p>59.aud.silk [1] 868/4</p> <p>5950 [1] 837/19</p> <p>5:08 [1] 868/13</p> <p>5:23 p.m [1] 846/16</p> <p>5:30 [1] 872/23</p> <p>5:35 [1] 875/24</p> <p>5:46 p.m [1] 843/9</p> <p>5s [1] 736/12</p> <p>5th [20] 694/4 709/6 724/13 729/9 730/2 783/18 783/20 783/20 784/16 785/17 785/18 785/20 843/5 843/6 843/8 844/12 844/22 845/16 845/18 866/15</p>	<p>71rd [1] 870/2</p> <p>71st [1] 870/4</p> <p>72.aud.silk [1] 868/24</p> <p>74.aud.silk [1] 869/6</p> <p>76 [1] 862/2</p> <p>77.aud.silk [1] 869/10</p> <p>78.aud.silk [1] 869/14</p> <p>79.aud.silk [1] 869/19</p> <p>7:18 p.m [1] 868/6</p> <p>8</p> <p>80 [2] 752/16 757/1</p> <p>80-something [1] 696/23</p> <p>80-year-old [1] 699/22</p> <p>80.aud.silk [1] 869/23</p> <p>801 [4] 853/5 858/19 863/18 870/23</p> <p>802 [2] 825/15 839/2</p> <p>803 [2] 825/15 827/17</p> <p>804-2777 [1] 658/23</p> <p>807-B [2] 863/7 864/3</p> <p>807-F [2] 864/14 877/22</p> <p>808-B [3] 858/18 859/2 859/4</p> <p>808-C [3] 859/15 859/20 877/21</p> <p>80s [1] 752/18</p> <p>810-B [2] 871/6 871/8</p> <p>810-C [2] 871/19 877/23</p> <p>812-C [2] 854/23 877/20</p> <p>814 [2] 825/15 837/5</p> <p>815 [3] 825/15 832/8 833/22</p> <p>816 [2] 825/15 835/17</p> <p>854-3118 [2] 820/3 836/22</p> <p>86 [1] 819/19</p> <p>8613006363506 [1] 828/3</p> <p>861388092011 [1] 829/15</p> <p>88EB56EMG14A [1] 870/21</p> <p>8:05 [2] 851/5 852/9</p> <p>8:06 p.m [1] 851/5</p>	<p>9:00 [1] 658/5</p> <p>9:16 a.m [1] 848/6</p> <p>9:17 a.m [2] 848/6 848/21</p> <p>9:17 p.m [1] 848/12</p> <p>9:30 [1] 873/1</p> <p>9:35 a.m [1] 848/20</p> <p>9:36:17 p.m [1] 844/12</p> <p>9:39 p.m [1] 844/22</p> <p>9:42 p.m [1] 847/7</p> <p>9:47 [1] 847/17</p> <p>9:48 p.m [1] 847/17</p> <p>9:56 p.m [1] 843/11</p> <p>A</p> <p>A,.com [1] 829/22</p> <p>a.m [21] 658/5 785/18 841/18 841/23 842/12 846/2 846/21 847/2 848/6 848/6 848/20 848/21 855/14 857/2 860/16 862/7 872/3 872/10 872/12 875/15 875/22</p> <p>abduction [1] 693/19</p> <p>able [12] 666/23 667/4 667/5 672/11 679/1 680/2 715/1 736/5 736/14 773/11 823/16 867/10</p> <p>absence [1] 810/4</p> <p>abundance [1] 678/15</p> <p>abused [1] 735/7</p> <p>accept [1] 743/11</p> <p>accepting [1] 741/25</p> <p>access [2] 707/20 746/24</p> <p>accompany [2] 856/18 857/22</p> <p>according [4] 697/23 742/19 753/11 785/13</p> <p>account [7] 678/4 830/24 832/14 832/16 835/20 835/23 837/21</p> <p>accounts [1] 737/19</p> <p>accurate [21] 700/13 704/17 705/12 709/8 712/9 715/18 723/4 727/23 765/5 765/21 774/25 794/14 803/1 803/10 814/5 819/10 819/16 819/24 820/12 830/22 854/13</p> <p>accurately [5] 689/24 691/6 695/22 777/9 822/18</p> <p>accusations [5] 664/12 664/18 667/19 676/20 738/2</p> <p>accused [2] 745/23 746/1</p> <p>achieve [1] 745/3</p> <p>acknowledge [1] 777/4</p> <p>acknowledged [1] 668/22</p> <p>acted [1] 739/7</p> <p>acting [1] 664/12</p> <p>action [4] 668/20 699/23 730/2 789/4</p> <p>acts [2] 664/11 739/14</p> <p>actual [3] 720/5 722/3 760/16</p> <p>add [2] 666/6 708/21</p> <p>added [1] 860/17</p>
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